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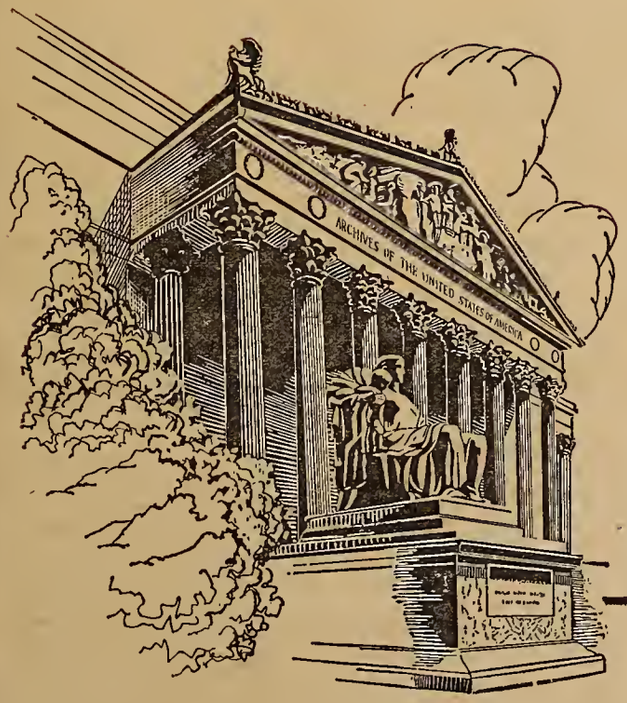

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Authorization of Hazard Pay Differential

Section 550.904 is revised to authorize the payment of a hazard pay differential for duty specified in Appendix A, that is not usually involved in carrying out the duties of an employee's position, except when the degree of hazard or the hardship has been taken into account in the classification of that position.

§ 550.904 Authorization of hazard pay differential.

(a) An agency shall pay the hazard pay differential listed in Appendix A to an employee who is assigned to and performs any irregular or intermittent duty specified in the appendix when that duty is not usually involved in carrying out the duties of his position. Hazard pay differential may not be paid an employee when the hazardous duty has been taken into account in the classification of his position.

(b) For the purpose of this section:

(1) "Not usually involved in carrying out the duties of his position" means that even though the hazardous duty may be embraced within the employee's position description it is not performed with sufficient regularity to constitute an element in fixing the grade of the position.

(2) "Has been taken into account in the classification of his position" means the duty constitutes an element used in establishing the grade of the position.

(5 U.S.C. 5545(d), 5548(b))

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-12332; Filed, Oct. 10, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Frozen Concentrated Orange Juice

DEFECTS; CORRECTION

In the amendments to—U.S. Standards for Grades of Various Processed Citrus Juices published in the FEDERAL REGISTER of August 22, 1968 (33 F.R. 11881), under Subpart—U.S. Standards for Grades of Frozen Concentrated Orange Juice, the appropriate revision of one figure was inadvertently omitted.

In § 52.1588, paragraph (d) is revised to provide an increase of 0.005 milliliter of recoverable oil to make the oil limits—with the revised Scott Oil method—comparable to the oil limits used prior to the date of amendment.

The corrected paragraph now reads as follows:

§ 52.1588 Defects.

* * * * *

(d) (*B*) Classification. If the reconstituted juice is reasonably free from defects, a score of 16 or 17 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be no more than 0.040 milliliter of recoverable oil per 100 milliliters of the reconstituted juice.

* * * * *

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: October 8, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68-12411; Filed, Oct. 10, 1968; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Country of Origin of Repackaged Goods Imported in Bulk

§ 15.299 Disclosure of country of origin of repackaged goods imported in bulk.

The Commission advised a requesting party that a product imported in bulk into the United States and thereafter broken and wrapped into a number or smaller packages and offered for sale to the general public should be clearly and conspicuously marked as to country of origin in such way as to be readily observable to a prospective purchaser on casual inspection.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: October 10, 1968.

By direction of the Commission.

Commissioners Elman and Jones dissent for the reason that the Commission, in disregard of prior decisions and announced Statements of Policy, is applying a per se rule requiring disclosure of foreign origin of imported products.

Commissioner MacIntyre concurred in the advice given by the majority for the reason that the Commission's advice herein is in conformity with the public policy declared by Congress in 19 U.S.C. 1304. There it is required that any imported article or the container in which it is packed shall be marked in such manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of such article. The provision of law does not excuse the importer from penalties for violation thereof simply because the importer removed the imported article or articles from the original package and repacked the article or articles in new packages which fail to disclose the country of origin. The penalties for violation include fines of $5,000 or imprisonment for not more than 1 year, or both. Commissioner MacIntyre thinks it would be tragic for the Commission to issue any findings

which would mislead any businessman regarding these requirements of the law.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-12395; Filed, Oct. 10, 1968; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Contest and Its Advertising by Retailer Deemed Objectionable

§ 15.300 **Contest and its advertising by retailer deemed objectionable.**

(a) The Commission was requested to furnish an advisory opinion concerning a proposed contest and advertising pertaining to it.

(b) The Commission observed that the proposed advertising is deceptive. Statements of the nature and value of the prizes are misleading. The proposed advertisement discloses little of the nature of the contest in which readers are invited to participate. The contest might expire at any moment.

(c) On the basis of the facts as presented, the Commission concluded that the proposed advertising, if circulated, would be in violation of section 5 of the Federal Trade Commission Act.

(d) The Commission noted that the proposed contest is so intertwined with the proposed advertising that the plan as a whole, if implemented, would be in violation of law.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 10, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-12396; Filed, Oct. 10, 1968; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Paragraph (i) of § 103.1 is amended to read as follows:

§ 103.1 **Delegations of authority.**

* * * * *

(i) *Immigration officer.* Any immigrant inspector, immigration patrol inspector, airplane pilot, deportation officer, detention guard, investigator, general attorney (nationality), trial attorney (immigration), or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act, or this chapter.

§ 103.4 [Amended]

Section 103.4 *Certifications* is amended by adding the following sentence after the existing first sentence: "District directors in the United States and officers in charge in Districts 33, 34, 35, and 37 may certify their decisions to the appellate authority designated in this chapter when the case involves an unusually complex or novel question of law or fact."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.1 [Amended]

The fourth sentence of paragraph (a) *Relative* of § 204.1 *Petition* is amended to read as follows: "American consular officers assigned to visa-issuing posts abroad, except those in Austria, Germany, Greece, Italy, Japan, the Philippines, Hong Kong, and Mexico are also authorized to approve any petition on Form I-130 when the petitioner and beneficiary are physically present in the area over which the consular officers have jurisdiction; while such consular officers are authorized to approve such petitions, they shall refer any petition which is not clearly approvable to the appropriate Service office outside the United States for decision."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

The listing of transportation lines under "At Vancouver" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence:

Great Northern Airways, Ltd.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER except with regard to the amendment to § 204.1(a) which shall become effective on October 15, 1968. Compliance with the provisions of Part 553 of Title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 103.1(i) pertains to agency management; the amendment to § 103.4 is clarifying in nature; and the amendment to § 238.4 adds a transportation line to the listing. With regard to the amendment to § 204.1(a) which becomes effective on October 15, 1968, notice of proposed rule making and delayed effective date is unnecessary because the amendment confers a benefit upon persons affected thereby.

Dated: October 7, 1968.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 68-12386; Filed, Oct. 10, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68-WE-32-AD, Amdt. 39-667]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Piper Model PA-23-250 and PA-E23-250 Aircraft

There have been failures of the exhaust tailpipe assemblies on Piper Model PA-23-250 and PA-E23-250 Aircraft Serial Nos. 27-2505 through 27-3858 that incorporate AiResearch Turbosupercharged Lycoming IO-540-J4A5 or IO-540-C4B5 engines installed in accordance with Supplemental Type Certificate No. SA909WE or SA978WE, or in accordance with Piper Aircraft Corp. Drawing No. 32016, that presented a serious hazard from fire. Since this condition is likely to exist or develop in other aircraft of this model, an airworthiness directive is being issued to require inspection and modification of the tailpipe installations in the affected aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-23-250 and PA-E23-250 Aircraft Serial Nos. 27-2505 through 27-3858 that Incorporate AiResearch Turbosupercharged Lycoming IO-540-J4A5 or IO-540-C4B5 Engines Installed in accordance with Supplemental Type Certificate No. SA909WE or SA978WE, or in accordance with Piper Aircraft Corp., Drawing No. 32015.

Compliance required within 10 hours of aircraft operations after the effective date of this airworthiness directive, unless previously accomplished.

To preclude failures of the exhaust tailpipe assemblies, AiResearch P/N 286-P23-060-5 and P/N 286-P23-060-9:

(a) Visually inspect both the left and right hand engine tailpipes for cracks or deformation. If a crack or deformation is found in either tailpipe, retire the affected tailpipe assembly and replace with a new tailpipe assembly of the same part number.

(b) Visually inspect both the left and right hand engine tailpipes for sufficient clearance between the tailpipes and the firewalls and between the tailpipes and the cowl flaps in accordance with AiResearch Aviation Service Co. Service Bulletin No. 14.1.8 dated April 25, 1968, or later FAA-approved revisions. If sufficient clearance

does not exist, install AiResearch Kit P/N 301–P23–063 and adjust for sufficient clearance in accordance with the above service bulletin.

This amendment becomes effective October 28, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to AiResearch Aviation Service Co., 6201 West Imperial Highway, Los Angeles, Calif. 90045. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on October 3, 1968.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on October 10, 1968.

[F.R. Doc. 68–12377; Filed, Oct. 10, 1968; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9168; Amdt. 618]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending §97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Tampa, Fla.—Tampa International, NDB (ADF) Runway 18L, Amdt. 22, 25 Nov. 1967 (established under Subpart C).
Tampa, Fla.—Tampa International, NDB (ADF) Runway 36L, Amdt. 4, 23 Sept. 1967 (established under Subpart C).
Cape Girardeau, Mo.—Municipal, VOR Runway 2, Amdt. 2, 23 Sept. 1967 (established under Subpart C).
Cape Girardeau, Mo.—Municipal, VOR Runway 20, Amdt. 2, 23 Sept. 1967 (established under Subpart C).
La Porte, Tex.—La Porte Municipal, VOR 1, Amdt. 1, 13 Jan. 1968 (established under Subpart C).
Tampa, Fla.—Tampa, International, VOR Runway 9, Amdt. 2, 14 Oct. 1967 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Greenwood, Miss.—Municipal, VOR 1, Amdt. 5, 17 Dec. 1966, canceled, effective 31 Oct. 1968.

3. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Enid, Okla.—Enid Woodring Municipal, TerVOR–17, Orig., 24 July 1965 (established under Subpart C).
Enid, Okla.—Enid Woodring Municipal, TerVOR–35, Amdt. 1, 24 July 1965 (established under Subpart C).
Kearney, Nebr.—Kearney Municipal, VOR–18, Amdt. 1, 4 Dec. 1965 (established under Subpart C).

4. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
FCM VOR	LOM	Direct	2500	T-dn¢	300–1	300–1	2 00–½
MSP VOR	LOM	Direct	2600	C-dn	500–1	500–1	500–1½
FGT VOR	LOM	Direct	2500	$S-dn-29L*	200–½	200–½	200–½
Prior Int	LOM	Direct	2500	A-dn	600–2	600–2	600–2
White Bear Int	LOM	Direct	2500	Category II special authorization required: TDZ Elevation, 822′. Decision heights—S–dn–29L, DH 150′, RVR 1600′, 972′ MSL RA 273.′			

Radar available.
Procedure turn N side of crs, 115° Outbnd, 295° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2326′—5.5 miles; at MM, 1006′—0.5 mile.
Distance to Inner Marker, 1242′.
Crs and distance, 2.2-mile DME Fix and Egan Tank Radar Fix to Airport, 295°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, climb to 2500′ on NW crs, ILS within 10 miles, return to Newport LOM; or when directed by ATC, make left-climbing turn, climb to 2600′ and return to Newport LOM.
Category II "Missed Approach": Climb to 2500′ on NW crs of ILS within 10 miles and return to Newport LOM if contact with visual guidance system not established at DH.
NOTE: DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point. DME located at glide slope site.
¢RVR 2400′ authorized Runway 29L.
$RVR 2000′, 4-engine turbojet: RVR 800′ all other aircraft. Descent below 1040′ not authorized unless approach lights are visible.
*500–¾ required when glide slope not utilized, 500–½ authorized with operative ALS except for 4-engine turbojets. 400′ minimum authorized after passing the 2.2-mile DME Fix or the Egan Tank Radar Fix.
Supplementary charting information: 29L LOM named Newport.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840′; Fac. Class., ILS; Ident., I–MSP; Procedure No. ILS Runway 29L, Amdt. 26; Eff. date, 31 Oct. 68; Sup. Amdt. No. 25; Dated, 15 Aug. 68

5. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Tampa, Fla.—Tampa International, ILS Runway 18L, Amdt. 24, 25 Nov. 1967 (established under Subpart C).
Tampa, Fla.—Tampa International, LOC (BC) Runway 36R, Amdt. 11, 23 Sept. 1967 (established under Subpart C).

6. By amending § 97.19 of Subpart B to delete radar procedures as follows:

La Porte, Tex.—La Porte Municipal, Radar 1, Orig., 5 Dec. 1964 (established under Subpart C).
Tampa, Fla.—Tampa International, Radar 1, Orig., 9 Sept. 1967 (established under Subpart C).

7. By amending § 97.21 of Subpart C to amend low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visihilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall he in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.3 miles after passing KE LFR.
ENA VOR	KE LFR	Direct	1700	Climb to 1700′ on S crs of KE LFR within 15 miles.
Swanson DME Fix	North crs KE LFR (NOPT)	220° heading 3.5 miles	1700	Supplementary charting information: Antenna 185′ 0.8 mile SW Runway 01. Antenna 140′ 0.4 mile SW Runway 01.

Procedure turn W side of crs, 009° Outbnd, 189° Inbnd, 1700′ within 10 miles of KE LFR.
FAF, KE LFR. Final approach crs, 188°. Distance FAF to MAP, 1.3 miles.
Minimum altitude over KE LFR, 800′.
MSA: NE—2000′; SE—3000′; SW—1300′; NW—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	408	560	1	468	560	1½	468	660	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Kenai; State, Alaska; Airport name, Kenai Municipal; Elev., 92′; Facility, KE; Procedure No. LFR Runway 19, Amdt. 13; Eff. date, 31 Oct. 68; Sup. Amdt. No. 12; Dated, 11 July 68

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visihilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CGI VOR.
Tamms Int	CGI VOR	Direct	2000	Climbing right turn to 2000′, return to CGI VOR.
Allenville Int	CGI VOR	Direct	2000	Supplementary charting information: Final approach crs intercepts runway centerline extended 3630′ from threshold. Steel tower 12.3 miles N to 2487′. TDZ Elevation, 342′.

Procedure turn W side of crs, 190° Outbnd, 010° Inbnd, 2000′ within 10 miles of CGI VOR.
Final approach crs, 010°.
Minimum altitude over Kelso Fan Marker, 940′.
MSA within 25 miles of CGI VOR: 090°–180°—3000′; 180°–270°—1800′; 270°–090°—3500′.
%Plan IFR departures NW, N, and NE to avoid 2487′ tower 12.3 miles N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2	940	1	598	940	1	598	940	1	598	940	1¼	598
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	940	1	598	940	1	598	940	1½	598	940	2	598
	FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2	740	1	398	740	1	398	740	1	398	740	1	398
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	880	1	538	880	1	538	880	1½	538	900	2	558
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Cape Girardeau; State, Mo.; Airport name, Municipal; Elev., 342′; Facility, CGI; Procedure No. VOR Runway 2, Amdt. 3; Eff. date, 31 Oct. 68; Sup. Amdt. No. 2; Dated, 23 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CGI VOR.
Tamms Int	CGI VOR	Direct	2000	Climbing right turn to 2000′ on R 190°. Hold on R 190°, 010° Inbnd, left turns, 1-minute pattern.
Allenville Int	CGI VOR	Direct	2000	Supplementary charting information: Final approach crs intercepts runway centerline extended 2544′ from threshold. Steel tower 12.3 miles N to 2487′. TDZ Elevation, 337′.

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2000′ within 10 miles of CGI VOR.
Final approach crs, 095°.
Minimum altitude over Scott Fan Marker, 840′.
MSA within 25 miles of CGI VOR: 090°–180°—3000′; 180°–270°—1800′; 270°–090°—3500′.
NOTE: Inoperative table does not apply to HIRL Runway 10.
%Plan IFR departures NW, N, and NE to avoid 2487′ tower 12.3 miles N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	840	1	503	840	1	503	840	1	503	840	1¼	503
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	880	1	538	880	1	538	880	1½	538	900	2	558
	FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	740	1	403	740	1	403	740	1	403	740	1	403
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Cape Girardeau; State, Mo.; Airport name, Municipal; Elev., 342′; Facility, CGI; Procedure No. VOR Runway 10, Amdt. Orig.; Eff. date, 31 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CGI VOR.
Tamms Int	CGI VOR	Direct	3000	Climbing left turn to 2000′ on R 190°. Hold on R 190°, 010° Inbud, left turns, 1-minute pattern.
Allenville Int	CGI VOR	Direct	3000	Supplementary charting information: Final approach crs crosses runway centerline extended 900′ from threshold. Steel tower 12.3 miles N to 2487′. TDZ Elevation, 339′.

Procedure turn E side of crs, 032° Outbnd, 212° Inbnd, 3000′ within 10 miles of CGI VOR.
Final approach crs, 212°.
MSA within 25 miles of CGI VOR: 090°–180°—3000′; 180°–270°—1800′; 270°–090°—3500′.
%Plan IFR departures NW, N, and NE to avoid 2487′ tower 12.3 miles N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	1000	1	661	1000	1	661	1000	1¼	661	1000	1½	661
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	1	658	1000	1	658	1000	1½	658	1000	2	658
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Cape Girardeau; State, Mo.; Airport name, Municipal; Elev., 342′; Facility, CGI; Procedure No. VOR Runway 20, Amdt. 3; Eff. date, 31 Oct. 68; Sup. Amdt. No. 2; Dated, 23 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Wellborn Int.
Washington Int	Judy Int	360° crs and TNV R 330°	1800	Climb to 1800′ direct to CLL VOR and hold.
Judy Int	Wellborn Int (NOPT)	Direct	1500	
CLL VOR	Wellborn Int	Direct	1800	Supplementary charting information: Hold W, 1 minute, right turns, 100° Inbnd. TDZ Elevation, 314′.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 1800′ within 10 miles of Wellborn Int.
FAF, Wellborn Int. Final approach crs, 280°. Distance FAF to MAP, 5 miles.
Minimum altitude over Wellborn Int, 1500′.
MSA: 000°–090°—2100′; 090°–180°—1600′; 180°–360°—1900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–28	740	1	426	740	1	426	740	1	426	740	1	426
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	481	820	1	501	860	1½	541	880	2	561
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, College Station; State, Tex.; Airport name, Easterwood Field; Elev., 319′; Facility, CLL; Procedure No. VOR Runway 28, Amdt. Orig.; Eff. date, 31 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ODG VOR.
PNC VORTAC	ODG VOR	Direct	2800	Climb to 2700′ on R 166° of ODG VOR within 20 miles.
IFI VORTAC	ODG VOR	Direct	2700	
OKC VORTAC	ODG VOR	Direct	3500	Supplementary charting information: Depict 5.5-mile Radar Fix from threshold as stepdown fix. TDZ Elevation, 1163′.
ANY VOR	ODG VOR	Direct	3000	
Cashion Int	ODG VOR	Direct	3500	

Procedure turn E side of crs, 346° Outbnd, 166° Inbnd, 2700′ within 10 miles of ODG VOR.
Final approach crs, 166°.
Minimum altitude over 5.5-mile Radar Fix, 1600′.
MSA: 000°–090°—2600′; 090°–180°—3600′; 180°–270°—2700′; 270°–360°—2900′.
NOTE: Radar vectoring.
*When Control Zone is not effective, except for operators with approved weather reporting service: (1) Use Ponca City, Okla., FSS altimeter setting. (2) Alternate minimums not authorized. (3) Increase straight-in and circling MDA 170′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–17*	1600	1	437	1600	1	437	1600	1	437	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1600	1	437	1620	1	457	1620	1½	457	NA
	VOR/Radar Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–17	1560	1	397	1560	1	397	1560	1	397	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1560	1	397	1620	1	457	1620	1½	457	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Enid; State, Okla; Airport name, Enid Woodring Municipal; Elev., 1163′; Facility, ODG; Procedure No. VOR Runway 17, Amdt. 1; Eff. date, 31 Oct. 68; Sup. Amdt. No. Ter VOR–17, Orig.; Dated, 24 July 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ODG VOR.
PNC VORTAC	ODG VOR	Direct	2800	Climb to 2700′ on R 356° of ODG VOR within 20 miles.
IFI VORTAC	ODG VOR	Direct	2700	
OKC VORTAC	ODG VOR	Direct	3500	Supplementary charting information: Depict 4.2-mile Radar Fix from threshold as stepdown fix. TDZ Elevation, 1150′.
ANY VOR	ODG VOR	Direct	3000	
Cashion Int	ODG VOR	Direct	3500	

Procedure turn E side of crs, 176° Outbnd, 356° Inbnd, 2700′ within 10 miles of ODG VOR.
Final approach crs, 356°.
Minimum altitude over 4.2-mile Radar Fix, 1600′.
MSA: 000°-090°—2600′; 090°-180°—3600′; 180°-270°—2700′; 270°-360°—2900′.
NOTE: Radar vectoring.
*When Control Zone is not effective, except for operators with approved weather reporting service: (1) Use Ponca City, Okla., FSS altimeter setting. (2) Alternate minimums not authorized. (3) Increase straight-in and circling MDA 170′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-35*	1600	1	450	1600	1	450	1600	1	450	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1600	1	437	1620	1	457	1620	1½	457	NA
	VOR/Radar Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-35	1520	1	370	1520	1	370	1520	1	370	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1560	1	397	1620	1	457	1620	1½	457	NA
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Enid; State, Okla.; Airport name, Enid Woodring Municipal; Elev., 1163′; Facility, ODG; Procedure No. VOR Runway 35, Amdt. 2; Eff. date, 31 Oct. 68; Sup. Amdt. No. TerVOR-35, Amdt. 1; Dated, 24 July 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: EAR VOR.
Poole Int	EAR VOR	Direct	3600	Climbing left turn to 3600′, return to EAR VOR.
				Supplementary charting information: Final approach crs intercepts runway centerline 4455′ from threshold. TDZ Elevation, 2128′.

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3600′ within 10 miles of EAR VOR.
Final approach crs, 170°.
Minimum altitude over Fan Marker, 2600′.* (*2700′ when Control Zone not effective).
MSA within 25 miles of facility: 000°-180°—4300′; 180°-270°—3800′; 270°-360°—3700′.
NOTE: Use Grand Island altimeter setting when Control Zone not effective.
$Alternate minimums not authorized when Control Zone not effective, except operators with approved weather reporting service.
*Circling and straight-in MDA increase 100′ when Control Zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	2600	1	472	2600	1	472	2600	1	472	2600	1	472
	FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	2440	1	312	2440	1	312	2440	1	312	2440	1	312
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2600	1	470	2600	1	470	2600	1½	470	2680	2	550
A	Standard. $			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Kearney; State, Nebr.; Airport name, Kearney Municipal; Elev., 2130′; Facility, EAR; Procedure No. VOR Runway 18, Amdt. 2; Eff. date, 31 Oct. 68; Sup. Amdt. No. Ter VOR-18, Amdt. 1; Dated, 4 Dec. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing Hyde Int.
HOU VORTAC	Hyde Int	Direct	1600	Climb to 1600', right turn to intercept HOU VORTAC R 066° to Fry Int and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 246° Inbnd. Depict Hyde Int as a VHF/DME Fix. Depict MAP also as 11.1 DME.

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 1600' within 10 miles of Hyde Int.
FAF, Hyde Int. Final approach crs, 255°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Hyde Int, 1000'.
MSA within 25 miles of HOU VORTAC: 000°–090°—1600'; 090°–180°—2200'; 180°–270°—2500'; 270°–360°—1800'.
NOTES: (1) ASR. (2) Use Houston, Tex., altimeter setting when La Porte altimeter setting not received.
#MDA increased 30' when La Porte altimeter setting not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C#	440	1	411	480	1	451	480	1½	451	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Facility, HOU; Procedure No. VOR-1, Amdt. 2; Eff. date, 31 Oct. 68; Sup. Amdt. No. 1; Dated, 13 Jan. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.7 miles after passing PIE; VORTAC.
Picnic NDB	PIE VORTAC	Direct	1600	Climb to 1600', left turn direct to PIE VORTAC, or when directed by ATC, climb to 1700', left turn direct to Van Dyke LOM and hold. Supplementary charting information: Hold N, 1 minute, right turns, 181° Inbnd. 210' tower on final approach. TDZ elevation, 21'.
R 132°, PIE VORTAC clockwise	R 243°, PIE VORTAC (NOPT)	8-mile Arc	1600	
R 330°, PIE VORTAC counterclockwise	R 243°, PIE VORTAC (NOPT)	8-mile Arc	1600	
Landfall Int	PIE VORTAC (NOPT)	R 270°	1600	

Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1600' within 10 miles of PIE VORTAC.
FAF, PIE VORTAC. Final approach crs, 063°. Distance FAF to MAP, 8.7 miles.
Minimum altitude over PIE VORTAC, 1600'; over 5-mile DME, 600'.
MSA: 000°–090°—2100'; 090°–180°—2500'; 180°–360°—1500'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	600	1	579	600	1	579	600	1	579	600	1¼	579
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	600	1	573	600	1	573	600	1½	573	600	2	573
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	460	1	439	460	1	439	460	1	439	460	1	439
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	533	560	1	533	560	1½	533	580	2	553
A	Standard.		T 2-eng. or less—Runway 18L, RVR 24; Standard all other runways.				T over 2-eng.—Runway 18L, RVR 24; Standard all other runways.					

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27'; Facility, PIE; Procedure No. VOR Runway 9, Amdt. 3; Eff. date, 31 Oct. 68; Sup. Amdt. No. 2; Dated, 14 Oct. 67

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing CLL VOR.
Anthony Int	CLL VOR (NOPT)	Direct	1000	Climb to 1800′ on CLL VOR R 100° to Judy Int and hold or, when directed by ATC, climb to 1800′ right turn to R 141° CLL VOR within 15 miles. Supplementary charting information: Hold E, 1 minute, right turns, 280° Inbnd. TDZ Elevation, 318′.

Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1800′ within 10 miles of CLL VOR.
FAF, CLL VOR. Final approach crs, 099°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over CLL VOR, 1000′.
MSA: 000°–090°—2100′; 090°–180°—1600′; 180°–360°—1900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	620	1	302	620	1	302	620	1	302	620	1	302
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	481	820	1	501	860	1½	541	880	2	561
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, College Station; State, Tex.; Airport name, Easterwood Field; Elev., 319′; Facility CLL; Procedure No. VOR Runway 10, Amdt. 8; Eff. date, 31 Oct. 68; Sup. Amdt. No. 7; Dated, 10 Feb .68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing ENA VOR.
KE LFR	ENA VOR	Direct	1700	Climb to 1700′ on R 186° ENA VOR within 15 miles. Supplementary charting information: Antenna 185′, 0.8 mile SW of airport. Antenna 140′, 0.4 mile SW of airport. LFR antenna 228′, 1.3 miles N of airport.
Swanson DME Fix	R 006°, VOR (NOPT)	220° heading 3.5 miles	1700	

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 1700′ within 10 miles of ENA VOR.
FAF, ENA VOR. Final approach crs, R 186°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over ENA VOR, 800′; over KE LFR, 480′.
MSA: 000°–090°—2000′; 090°–180°—3000′; 180°–270°—1300′; 270°–360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	480	1	388	480	1	388	480	1	388	480	1	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	408	560	1	468	560	1½	468	660	2	568
	VOR/LFR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	400	1	308	400	1	308	400	1	308	400	1	308
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Kenai; State, Alaska; Airport name, Kenai Municipal; Elev., 92′; Facility, ENA; Procedure No. VOR Runway 19, Amdt. 4; Eff. date, 31 Oct. 68; Sup. Amdt. No. 3; Dated, 11 July 68

10. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Dawson Int.
Van Dyke LOM	Dawson Int	Direct	3000	Climb to 1700′ direct to Van Dyke LOM, and hold.
PIE VORTAC	Dawson Int	Direct	3000	
Picnic NDB	Dawson Int	Direct	3000	Supplementary charting information: Van Dyke LOM—Hold N, 1 minute, right turns, 181° Inbnd. 210′ tower 0.5 mile W, Runway 36L. TDZ Elevation, 20′.
South Bay Int	Westgate Int (NOPT)	LOC (BC)	2600	
Westgate Int	Dawson Int (NOPT)	Direct	1900	

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 3000′ within 10 miles of Dawson Int.
FAF, Dawson Int. Final approach crs, 001°. Distance FAF to MAP, 6 miles.
Minimum altitude over Westgate Int, 2600′; over Dawson Int, 1900′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36R	360	¾	340	360	¾	340	360	¾	340	360	1	340
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	533	560	1	533	560	1½	533	580	2	553
A	Standard.		T 2-eng. or less Runway 18L, RVR 24; Standard all other runways.				T over 2-eng.—Runway 18L, RVR 24; Standard all other runways.					

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Facility, I-TPA; Procedure No. LOC (BC) Runway 36R, Amdt. 12; Eff. date, 31 Oct. 68; Sup. Amdt. No. 11; Dated, 23 Sept. 67

11. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing Van Dyke LOM.
PIE VORTAC	Van Dyke LOM	Direct	1700	Climbing right turn to 1700′ direct to PIE VORTAC via PIE VORTAC R 065° or, when directed by ATC, climb to 2000′ direct to Picnic NDB.
Picnic NDB	Van Dyke LOM	Direct	1700	Supplementary charting information: 210′ tower 0.5 mile W of Runway 36L. TDZ elevation, 26′.

Procedure turn W side of crs, 001° Outbnd, 181° Inbnd, 1700′ within 10 miles of Van Dyke LOM.
FAF, Van Dyke LOM. Final approach crs, 181°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Van Dyke LOM, 1700′.
MSA: 000°–090°—1500′; 090°–180°—2500′ ;180°–270°—1500′; 270°–360°—1500′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18L	460	RVR 40	434	460	RVR 40	434	460	RVR 40	434	460	RVR 50	434
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	533	560	1	533	560	1½	533	580	2	553
A	Standard.		T 2-eng. or less—Runway 18L, RVR 24; Standard all other runways.				T over 2-eng.—Runway 18L, RVR 24; Standard all other runways.					

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Facility, TP; Procedure No. NDB (ADF) Runway 18L, Amdt. 23; Eff. date, 31 Oct. 68; Sup. Amdt. No. 22; Dated, 25 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing Picnic NDB.
PIE VORTAC	Picnic NDB	Direct	3000	Climb to 1700′ direct to Van Dyke LOM and hold.
Lagoon Int	Snorkel Int (NOPT)	181° from AMP NDB	2600	
Snorkle Int	Picnic NDB (NOPT)	Direct	1900	Supplementary charting information: Van Dyke—Hold N, 1 minute, right turns, 181° Inbnd. 210′ tower, 0.5 mile W, Runway 36L. TDZ Elevation, 12′.

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 3000′ within 10 miles of Picnic NDB.
FAF, Picnic NDB. Final approach crs, 001°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over Snorkle Int., 2600′; over Picnic NDB, 1900′.
MSA: 000°-180°—2500′; 180°-360°—1500′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36L	520	1	508	520	1	508	520	1	508	520	1¼	508
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	533	560	1	533	560	1½	533	580	2	553
A	Standard.		T 2-eng. or less—Runway 18L, RVR 24; Standard all other runways.				T over 2-eng.—Runway 18L, RVR 24; Standard all other runways.					

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Facility, AMP; Procedure No. NDB (ADF) Runway 36L, Amdt. 5; Eff. date, 31 Oct 68; Sup Amdt. No. 4; Dated, 23 Sept. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 0 mile after passing OEA NDB.
Decker Int	OEA NDB	Direct	2100	Make left turn, climb to 2100′ on 255° crs and return to OEA RBN.
Patton Int	OEA NDB	Direct	2100	
New Hebron Int	OEA NDB	Direct	2100	Supplementary charting information: Indicate all way field on chart.

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 2100′ within 10 miles of OEA NDB.
Final approach crs, 075°.
Minimum altitude over OEA NDB, 1120′.
MSA: 000°-360°—2200′.
NOTE: Use Evansville, Ind., altimeter setting.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1120	1	706	1120	1	706	NA	NA
A	Not authorized.		T 2-eng. or less.—Standard.				T over 2-eng.—Standard.	

City, Vincennes; State, Ind.; Airport name, O'Neal; Elev., 414′; Facility, OEA; Procedure No. NDB (ADF)-1, Amdt. Orig; Eff. date, 31 Oct. 68.

12. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing SL LOM.
SLN VORTAC	SL LOM	Direct	3000	1. Climb to 3000′ on 351° bearing from SL LOM within 15 miles.
Lindsborg 19-mile DME Fix R 175° SLN VORTAC.	SL LOM (NOPT)	Direct	3000	2. Proceed to SLN VORTAC climbing to 3000′ on SLN R 003° within 10 miles. 3. Left turn climbing to 4000′ on 300° heading, intercept R 262° SLN VORTAC to Glendale Int. Supplementary charting information: TDZ elevation, 1270′.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 3000′ within 10 miles of SL LOM.
FAF, SL LOM. Final approach crs, 351°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over SL LOM, 3000′.
MSA: 000°–090°—2900′; 090°–270°—3000′; 270°–360°—3100′.
NOTE: Restricted area 7 miles SW of airport.
*Increase visibility to 1 mile when Control Tower not in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35*	1620	¾	350	1620	¾	350	1620	¾	350	1620	1	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	428	1740	1	468	1740	1½	468	1840	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Salina; State, Kans.; Airport name, Municipal; Elev., 1272′; Facility, SL; Procedure No. NDB (ADF) Runway 35, Amdt. 2; Eff. date, 31 Oct. 68; Sup. Amdt. No. 1; Dated, 6 June 68

13. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 226′; LOC 5.9 miles after passing Van Dyke LOM.
PIE VORTAC	Van Dyke LOM	Direct	1700	Climbing right turn to 225° to 1700′, intercept R 080° to PIE VORTAC or when directed by ATC, climb to 2000′ to Picnic NDB. Supplementary charting information: 210′ tower 0.5 mile W of Runway 36L. TDZ elevation, 26′.
Picnic NDB	Van Dyke LOM	Direct	1700	

Procedure turn W side of crs, 001° Outbnd, 181° Inbnd, 1700′ within 10 miles of Van Dyke LOM.
FAF, Van Dyke LOM. Final approach crs, 181°. Distance FAF to MAP, 5.9 miles.
Minimum glide slope interception altitude, 1700′. Glide slope altitude at OM, 1689′; at MM, 215′.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.5 mile.
MSA: 000°–090°—1500′; 090°–180°—2500′; 180°–270°—1500′; 270°–360°—1500′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-18L	226	RVR 24	200	226	RVR 24	200	226	RVR 24	200	226	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18L	400	RVR 24	374	400	RVR 24	374	400	RVR 24	374	400	RVR 40	374
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	533	560	1	533	560	1½	533	580	2	553
A	Standard.		T 2-eng. or less—Runway 18L, RVR 24; Standard all other runways.				T over 2-eng.—Runway 18L, RVR 24; Standard all other runways.					

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Facility, I-TPA; Procedure No. ILS Runway 18L, Amdt. 25; Eff. date, 31 Oct. 68; Sup. Amdt. No. 24; Dated, 25 Nov. 67

14. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure; unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS, DH, 1470′. LOC 5.7 miles after passing SL LOM.
SLN VORTAC	SL LOM	Direct	3000	1. Proceed to SLN VORTAC climbing to 3000′ on SLN R 003° within 10 miles.
Lindsborg 19-mile DME Fix, R 175° SLN VORTAC.	SL LOM (NOPT)	SLN LOC	3000	2. Left turn climbing to 4000′ on 300° heading, intercept R 262° SLN VORTAC, proceed to Glendale Int.
				Supplementary charting information: TDZ elevation, 1270′.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 3000′ within 10 miles of SL LOM.
FAF, SL LOM. Final approach crs, 351°. Distance FAF to MAP, 5.7 miles.
Minimum glide slope interception altitude, 3000′. Glide slope altitude at OM, 2970′; at MM, 1527′.
Distance to runway threshold at OM, 5.7 miles; at MM, 0.7 mile.
MSA within 25 miles of SL LOM: 000°–090°—2900′; 090°–270°—3000′; 270°–360°—3100′.
NOTE: Restricted area 7 miles SW of airport.
*Increase visibility to 1 mile when Control Tower not in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-35*	1470	½	200	1470	½	200	1470	½	200	1520	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35*	1580	½	310	1580	½	310	1580	½	310	1580	¾	310
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	428	1740	1	468	1740	1½	468	1840	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Salina; State, Kans.; Airport name, Municipal; Elev., 1272′; Facility, I–SLN; Procedure No. ILS Runway 35, Amdt. 3; Eff. date, 31 Oct. 68; Sup. Amdt. No. 2; Dated 6 June 68

15. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Houston ASR minimum vectoring altitude chart										Aircraft on radar vector to La Porte Municipal Airport in a sector from 075° clockwise to 270° from La Porte Municipal Airport may descend to MDA after passing 5-mile Radar Fix to La Porte Municipal Airport. Supplementary charting information: 447′ tower 3 miles NW of La Porte Municipal Airport. Use Houston, Tex., altimeter setting.

Missed approach: Climb to 1500′ right or left turn direct to La Porte intersection and hold E, 1 minute, right turns, 262° Inbnd. Or, when directed by ATC, climb to 2500′ and proceed direct to HOU VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
ASR:												
C	460	1	431	480	1	451	480	1½	451		NA	
A	Not authorized.		T 2-eng. or less.—Standard.				T over 2-eng.—Standard.					

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29′; Facility, Houston Radar; Procedure No. Radar-1, Amdt. 1; Eff. date, 31 Oct. 68; Sup. Amdt. No. Radar 1, Orig.; Dated, 5 Dec. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)												Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Tampa ASR minimum altitude vectoring chart.												Descend aircraft to MDA after FAF. ASR Runways 18 R & L, 36 R & L, 9, 27, FAF 5.3 miles from threshold. TDZ elevation: Runway 18L—26′. Runway 18R—21′. Runway 36L—12′. Runway 36R—20′. Runway 9—21′. Runway 27—27′. Radar control will provide 1000′ vertical separation within a 3-mile radius of radio towers 1135′, 15.7 miles SE, and 1549′, 17.7 miles SE.

Missed approach:
Runways 18 L & R—Climb to 1600′, right turn direct to PIE VORTAC.
Runways 36 L & R—Climb to 1700′, direct to Van Dyke LOM.
Runway 9—Climb to 1700′, left turn direct to Van Dyke LOM.
Runway 27—Climb to 1600′, direct to PIE VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
ASR:												
S-18L	540	RVR 24	514	540	RVR 24	514	540	RVR 24	514	540	RVR 50	514
S-18R	400	¾	379	400	¾	379	400	¾	379	400	1	379
S-36L	460	¾	448	460	¾	448	460	¾	448	460	1	448
S-36R	480	¾	460	480	¾	460	480	¾	460	480	1	460
S-9	460	1	439	460	1	439	460	1	439	460	1	439
S-27	520	1	493	520	1	493	520	1	493	520	1	493
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	533	560	1	533	560	1½	533	580	2	553
A	Standard.		T 2-eng. or less—Runways 18L, RVR 24; Standard all other runways.				T over 2-eng.—Runway 18L, RVR 24; Standard all other runways.					

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Facility, TPA ASR; Procedure No. Radar-1, Amdt. 1; Eff. date, 31 Oct. 68; Sup. Amdt. No. Radar 1, Orig.; Dated, 9 Sept. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), (1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 24, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-11859; Filed, Oct. 10, 1968; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-545]

PART 291—CLASSIFICATION AND CONTINUED EXEMPTION OF LARGE IRREGULAR AIR CARRIERS

Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1968.

Public Law 87-528 (76 Stat. 143), enacted July 10, 1962, provides in section 8(b) with respect to supplemental air carriers that their "prior authority under individual exemptions or Letters of Registration reinstated by the Board under Order E-10161 of April 3, 1956, shall terminate 30 days from the date of enactment of this Act." Such 30-day period ended August 9, 1962. By this language the Act terminated the last remaining phase of supplemental air carrier operating authority theretofore carried under Part 291, thus rendering Part 291 a nullity as of the end of August 9, 1962. However, the regulation was retained during the pendency of litigation challenging the Board's implementation of the legislation. The supplemental air carrier legislation has now been fully implemented by the Board through the permanent certification proceedings, and no purpose is served by a further retention of the part.

Since the repeal of the regulation merely effectuates a pro forma recognition of the action taken by the Congress in Public Law 87-528, compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act is unnecessary.

Accordingly, the Board hereby repeals Part 291 of the Economic Regulations (14 CFR Part 291), effective October 8, 1968.

(Secs. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply section 8(b) of Public Law 87-528, 76 Stat. 146)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12381; Filed, Oct. 10, 1968; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Low Cost Homes

Subpart B—Contract Rights and Obligations—Low Cost Homes

MISCELLANEOUS AMENDMENTS

In § 221.60 paragraphs (f) through (k) are redesignated as paragraphs (h) through (m); new paragraphs (f) and (g) are added; in redesignated paragraph (i) subparagraph (1) is amended,

subparagraph (2) is redesignated as subparagraph (4), new subparagraphs (2) and (3) are added; and the introductory text of redesignated paragraph (j) is amended to read as follows:

§ 221.60 Eligibility requirements for low income homeowners.

* * * * *

(f) *Maximum mortgage amount.* The mortgage shall involve a principal obligation in an amount not exceeding that portion of the unpaid balance of the project mortgage which is allocable to the dwelling being purchased.

(g) *Mortgage maturity.* The mortgage shall be limited to a term not exceeding the term of the project mortgage remaining at the time of the purchase.

* * * * *

(i) *Mortgage interest rate.* (1) The mortgage shall initially bear interest at the rate of 1 percent, 2 percent or 3 percent per annum depending upon the income of the mortgagor. The 3 percent interest rate shall apply if 20 percent of the mortgagor's annual family income is sufficient to make mortgage payments of principal, interest, taxes, and insurance at the 3 percent rate. If 20 percent of the mortgagor's annual family income is insufficient to make such mortgage payments at the 3 percent rate, but is sufficient to make such payments at a 2 percent rate, then the interest rate shall initially be 2 percent per annum. If 20 percent of the mortgagor's annual family income is insufficient to make such mortgage payments at 2 percent, then the interest rate shall initially be 1 percent per annum.

(2) The mortgage shall provide that if the initial interest rate is set at 1 percent, the rate will be increased to 2 percent when the mortgagee determines that 20 percent of the family income of the mortgagor is sufficient to make mortgage payments of principal, interest, taxes, and insurance at the 2 percent rate, and to 3 percent when the mortgagee determines that 20 percent of the mortgagor's income is sufficient to make such mortgage payments at the 3 percent rate. The mortgage shall also provide for comparable increase to a 3 percent interest rate if the mortgage initially bears interest at 2 percent.

(3) The mortgage shall provide that if the rate of interest is increased, such rate shall not thereafter be decreased.

(4) * * *

(j) *Interest rate increase—discontinuance of occupancy.* The mortgage shall provide that if the mortgagor does not continue to occupy the property, the interest rate shall increase to the maximum rate in effect under this subpart at the time the commitment for insurance was issued on the project mortgage (where the mortgage finances the purchase of the property from a nonprofit mortgagor) or on the individual mortgage (where the mortgage finances the rehabilitation or improvement and refinancing of property owned by the mortgagor). If the property is sold to one of the following purchasers, the increase in interest rate shall not be required:

* * * * *

In § 221.65 paragraph (d)(5) is amended and a new paragraph (d)(6) is added to read as follows:

§ 221.65 Eligibility requirements for low and moderate income purchaser of family unit in condominium.

* * * * *

(d) *Mortgage requirements.* * * *

(5) It shall initially bear interest at the rate of 3 percent, 4 percent, 5 percent or 6 percent per annum, depending upon the income of the mortgagor. The interest rate shall be established at the highest of such percentages as the mortgagor will be able to pay using 20 percent of his annual family income. A provision shall be included in the mortgage to require that if the mortgagee determines that 20 percent of the mortgagor's annual family income is sufficient to make mortgage payments at a greater interest rate than initially established, the interest rate shall be increased in 1 percent increments up to 6 percent per annum with any additional increment increasing the interest up to the maximum rate permitted under this subpart at the time the commitment was issued for the insurance of the mortgage pursuant to this subpart. In determining the mortgagor's family income, there shall be deducted an amount equal to $300 for each minor person who is a member of the immediate family and living with such family; and the earnings of the minor person shall not be included in family income.

(6) It shall provide that if the rate of interest is increased, such rate shall not thereafter be decreased.

* * * * *

In § 221.254 paragraph (a) and the introductory text of paragraph (b) are amended to read as follows:

§ 221.254 Mortgage insurance premiums, adjusted mortgage insurance premiums, and voluntary termination charges.

(a) All of the provisions of §§ 203.260 through 203.298 of this chapter relating to mortgage insurance premiums, adjusted mortgage insurance premiums, and voluntary termination charges shall apply to mortgages insured under this subpart, except that as to mortgages meeting the special requirements of § 221.60 or § 221.65, such provisions shall only be applicable under the circumstances prescribed in paragraph (b) of this section.

(b) Whenever the interest rate on a mortgage insured under this part as having met the special requirement of § 221.60 or § 221.65 shall have been increased to the maximum rate in accordance with § 221.60(j), § 221.65(d)(4) or § 221.65(d)(5), the provisions of §§ 203.260 through 203.298 of this chapter relating to mortgage insurance premiums, adjusted mortgage insurance premiums, and voluntary termination charges shall apply, except that:

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

Issued at Washington, D.C., October 8, 1968.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68-12400; Filed, Oct. 10, 1968; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN THE POSTAL SAVINGS SYSTEM

Correction

In F.R. Doc. 68-11963 appearing at page 14644 of the issue for Tuesday, October 1, 1968, the word "decreased" in the first sentence of § 257.2(d)(1) should read "deceased".

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 51—UTILIZATION OF CONSCIENTIOUS OBJECTORS AND PROCEDURES FOR PROCESSING REQUESTS FOR DISCHARGE BASED ON CONSCIENTIOUS OBJECTION

Discontinuance of Part

Codification of Part 51, Utilization of Conscientious Objectors, is discontinued.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 68-12384; Filed, Oct. 10, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

PESTICIDES CONTAINING PHOSPHORUS PASTE INTENDED FOR USE IN OR AROUND THE HOME

Notice of Proposed Interpretation 26 Under Federal Insecticide, Fungicide, and Rodenticide Act

Records kept by the National Clearinghouse for Poison Control Centers and those obtained from State health officials show that products containing phosphorous paste have been involved in many reported accidents, some of which were fatal. It is reasonable to assume that many such accidents were not reported.

Ingestions of phosphorus paste products have often resulted from their being used on recognizable foodstuffs as a poison bait for the control of certain insects or rodents.

Experience has shown that present labeling requirements for products containing phosphorus paste bearing directions for use around the home have not been adequate to protect the public. Therefore, notice is hereby given that pursuant to the authority of § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended; 7 U.S.C. 135–135k) consideration is being given to the issuance of Interpretation 26 to read as follows:

§ 362.124 Interpretation with respect to labeling of phosphorus paste products.

(a) *Home use unacceptable.* Labeling for economic poisons submitted in connection with registration under the Act bearing directions for use of products containing phosphorus paste in or around the home is not acceptable.

(b) *Acceptable directions for use by Government agencies or professional pest control operators.* Products bearing acceptable directions for commercial or industrial use and marketed in channels of trade which are limited to Government agencies or pest control operators will continue to be registered. In addition to other warning and caution statements required by the Act and regulations, labels for such products must bear the following statement in a prominent position: "Do not use or store in or around the home."

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in triplicate with the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 7th day of October 1968.

HARRY W. HAYS, Ph. D.,
Director,
Pesticides Regulation Division.

[F.R. Doc. 68–12382; Filed, Oct. 10, 1968; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Notice of Proposed Limitation of Shipments Regulation

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 959.309 Limitation of shipments.

During the period beginning March 1, 1969, through June 15, 1969, no handler may package or load onions on Sundays, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal Agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls*—(1) *Experimental shipments.* Onions may be handled for experimental purposes as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, or 5-pound consumer size containers, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided,* That shipments of 2-, 3-, and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight of master containers per lot, as computed by multiplying the number of packages therein by their weight classification, plus the weight of the master container, may not exceed 15 percent over the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for experimental shipments.* Each handler who handles such experimental shipments of onions shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed and the size of the containers in which such onions were handled.

Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of experimental shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and are not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraphs (d) or (e)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety.

All terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(Secs.1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 7, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12412; Filed, Oct. 10, 1968; 8:48 a.m.]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Notice of Proposed Free and Restricted Percentages for the 1968–69 Fiscal Year

Notice is hereby given of a proposal to establish, for the 1968–69 fiscal year, beginning August 1, 1968, free and restricted percentages of 62 and 38 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Filbert Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (in-shell weight basis) for the 1968–69 fiscal year:

(1) Production of 18.150 million pounds;

(2) Total requirements for 1968 crop merchantable filberts of 9.574 million pounds, which is the sum of an in-shell trade demand of 10.000 million pounds and provision for in-shell handler carryover on July 31, 1969, of 1.000 million pounds, less the in-shell handler carryover on August 1, 1968, of 1.426 million pounds not subject to regulation; and

(3) A total supply of merchantable filberts subject to regulation of 15.449 million pounds which is the estimated production of 18.150 million pounds, less 2.723 million pounds nonmerchantable production, plus 0.022 million pounds of carry-in subject to regulation.

On the basis of the foregoing estimates, free and restricted percentages of 62 percent and 38 percent, respectively, appear to be appropriate for the 1968–69 season.

The proposal is as follows:

§ 982.218 Free and restricted percentages for merchantable filberts during the 1968–69 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1968:

Free percentage	62
Restricted percentage	38

Dated: October 7, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12383; Filed, Oct. 10, 1968; 8:46 a.m.]

[7 CFR Part 1004]

[Docket No. AO–160–A39]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Delaware Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Philadelphia, Pa., on July 30, 1968, pursuant to notice thereof which was issued July 12, 1968 (33 F.R. 10284).

The material issues on the record of the hearing relate to:

1. Modification of the structure and application of location differential provisions.

2. Deletion of order provisions that were effective for a limited period of time which has now expired.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Modification of the structure and application of location differential provisions.

The location differential rates applicable to the Class I milk, base milk and uniform prices at plants located in excess of 45 miles from the nearest of Philadelphia, Trenton, or Atlantic City should be revised in view of the lower cost direct-delivery bulk tank method of handling milk which has largely replaced the can pickup and receiving station system of assembling milk for transshipment to the market. The 15.5 cents per hundredweight receiving station handling allowance reflected in the present differentials should be eliminated and only the transportation rate of 7.5 cents at 45 miles plus 1.5 cents for each additional 10 miles or fraction thereof should be retained. No change should be made in the location zone structure or in the differential rates applicable to the Class II milk and excess milk prices. The present procedure for assignment of location credits on milk transferred between pool plants should be retained.

Differentials. Historically, bottling plants in the densely populated Philadelphia portion of the marketing area have relied for a major proportion of their milk supplies on milk produced on farms located in eastern and central Pennsylvania, eastern Maryland and in Delaware. Initially, the milk was assembled at receiving stations located throughout the production area for transshipment to the city. Milk was delivered to the receiving stations in 40-quart cans and transshipped to the city in tank trucks. In recent years there has been a general conversion by producers throughout the milkshed to the bulk tank method of delivery and such method now is dominant in the market.

For the most part bulk tank milk is shipped directly from the farms to the city plants, or diverted to country manufacturing plants, as opposed to being assembled at receiving stations for transshipment. Direct-delivery bulk tank routes now extend over 200 miles west of Philadelphia into south central Pennsylvania which is in the outer extremity of the milkshed. Since virtually all of the milk associated with the market is produced within direct-delivery range the development of bulk tank handling has rendered the receiving station virtually obsolete in this market.

For example, 10 years ago there were 34 plants associated with the market which were located more than 45 miles from Philadelphia. Only three of these 34 plants continue to be associated with the market but they are not used to make regular shipments of milk to city plants. Each of these plants holds pool plant status and they are primarily used as supply-balancing plants where milk not needed for bottling purposes is delivered directly for processing into manufactured dairy products.

In June 1967 when the marketwide pool provisions of the order became effective there were six regulated plants beyond the 45-mile zone. Three of these plants are the aforementioned supply-balancing plants while the other three were and continue to be operated as receiving stations. During the past year there have been as many as six additional distant receiving plants associated with the market, which plants previously had been associated with the New York-New Jersey market. The milkshed for the New York-New Jersey market overlaps the Delaware Valley milkshed and consequently plants can shift from one market to the other. However, much of the milk at these distant plants is transported from farms in bulk tank trucks which could bypass the receiving station if the handler so chose.

The direct-delivery bulk tank procurement system has evolved primarily because it is the most economical means of getting quality milk to market. The precise cost of the extra handling involved in first receiving milk at country receiving stations is difficult to ascertain; however, it is a substantial amount—perhaps between 10 and 20 cents per hundredweight in most cases. The only evidence pertaining to current receiving station operating costs was presented by the witness for a cooperative which operates three such plants on the Delaware Valley market at which both can and bulk tank milk is assembled. He stated that his association allocated net costs per hundredweight of 11.46 cents, 15.30 cents, and 16.69 cents, respectively, at these plants. No detailed breakdown of the makeup of such costs was presented. However, such costs are close to the fixed handling allowance of 15.5 cents per hundredweight reflected in the present location differential provisions of the order.

The present order differentials also reflect a variable transportation cost of 1.5 cents per 10 miles to cover the costs incurred with distance traveled by tank truck in moving milk from receiving stations to city plants. This is comparable to the variable costs incurred by producers shipping direct-delivery milk to the city. For example, typical hauling rates for direct-delivery milk are 55 cents for farms located about 220 miles from Philadelphia and 40 cents for farms located about 120 miles. The 15 cents per hundredweight lower cost for farms 100 miles closer to the market represents an average difference of 1.5 cents per 10 miles distance from the city.

Bulk tank producers who deliver their milk to plants outside the base zone where location differentials are applied do not realize as high a net return for their milk as they would if their milk were delivered directly to city plants at which no differential is applicable. This situation has presented a problem for a principal cooperative association in the market, since a substantial number of its member producers deliver milk in bulk tanks to pool supply-balancing plants located at Belleville, Pa. (165.1- to 175-mile zone) and at Chambersburg, Pa. (135.1- to 145-mile zone). These producers would prefer that the cooperative assign them to a city plant outlet. However, this is not practical since there is a sufficient supply of bulk tank milk already assigned to its city plant customers. Because of this problem and in recognition of the fact that the additional receiving and reloading costs of 15.5 cents presently reflected in the differentials are not incurred when milk is moved directly to these supply-balancing plants, the cooperative proposed the elimination of such fixed handling allowances. This would increase the uniform prices at Belleville and Chambersburg by such amount and thereby provide approximately the same net returns to producer members delivering to such plants as they could realize if their milk were first received at city plants.

The proposal was also supported in the testimony of another cooperative which operates two plants regulated under the order—a bottling plant at Lansdale, Pa., where no differential applies and a manufacturing-bottling plant in the 45.1- to 55-mile zone (Allentown, Pa.) where a 24.5-cent location differential (15.5 cents fixed and 9 cents transportation) is applicable.

The only testimony in opposition to the elimination of the fixed costs reflected in the differentials was by the witness for a cooperative which operates three receiving stations pooled under the order.

This witness contended that elimination of the fixed costs associated with first receipt of milk at country plants would not change the association's costs of operating but would merely increase its obligation to the pool on Class I milk and increase the uniform price announced at its respective plant locations.

The problem of location pricing at hand is essentially one of determining whether to reflect in the minimum price structure the lower costs assocated with the direct-delivery system of moving milk to various plant outlets so that distant bulk producers will more fully realize the economies of bulk tank handling or to retain the present differentials which reflect the cost of moving milk through receiving stations.

Adoption of location differentials which reflect only the variable costs associated with transportation of bulk tank milk will tend to promote greater efficiency in the handling of milk in the market.

As previously indicated, can milk represents only a small percentage of the total market supply. Since receiving stations per se are not needed to insure efficient movement of bulk milk to the central market and the order contains appropriate provisions to permit the orderly diversion of milk not needed for fluid use to nonpool manufacturing

plants, greater equity among producers will result through elimination of the 15.5 cents fixed costs reflected in the present differentials.

While proprietary handlers formerly operated a large number of receiving stations in this market, all of these stations were closed some years ago to maximize handling efficiency inherent in bulk tank handling. The only remaining stations are operated by cooperative associations. Presumably such stations are operated either for the convenience of remaining can member producers or as a means of performing extra services for buying handlers which services could not be as effectively performed without plant facilities. Such services, for example, might include standardization of butterfat content and/or in storage facilities to better control the volume and time of delivery to the buying handler.

Since, as previously indicated, the preponderance of producers on the market have abandoned can handling in favor of the more efficient bulk tank handling there is no justification for retaining location differentials which tend to discriminate against bulk tank producers delivering to country supply-balancing plants. To the degree that receiving stations are operated for the purpose of performing extra services for buying handlers this is also no justification for reflecting handling costs in the location differentials. The performance of such additional services simply lower the overall operating cost of buying handlers and appropriately the cost of such services should be recovered by cooperatives directly from the buying handlers.

In view of the aforementioned considerations it is concluded that the proposal to eliminate the fixed handling allowance of 15.5 cents per hundredweight reflected in the present differentials should be adopted.

Zone structure. Proponents for the elimination of the fixed portion of the location differential also proposed the extension of the base zone in which f.o.b. market pricing applies. The present provisions apply location differentials at plants located 45 miles or more from the nearest of the city halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J. One proposal would extend this zone to 55 miles while another would extend it to 65 miles. The first proposal was made to effect city zone pricing at a plant located in Allentown, Pa., which is in the 45.1- to 55-mile zone. The Allentown plant is used both as a distributing plant and a manufacturing plant. The second proposal was intended to extend the base zone to the maximum extent without including additional country plants presently associated with the market.

The Allentown plant is a pool plant operated by a cooperative association which also operates a pool distributing plant at Lansdale, Pa., which is within the 45-mile zone. This cooperative contends that a differential should not be applicable at the Allentown location. It was argued that identical pricing should apply at both of their locations since (1) the products processed at these two plants are collectively marketed throughout the cooperative's entire distribution area on an intermingled basis, and (2) more than half of the milk supply received at the plants originates in a geographic area west of the North-South Pennsylvania Turnpike in such locations that it is transported at identical rates regardless of whether it is delivered to the cooperative's plants or to plants in Philadelphia. In addition, the cooperative pays the same price to its producers regardless of the location of the plant of delivery.

Extension of the base zone was also proposed by the principal bargaining cooperative in the market. The cooperative's witness supported the application of location differentials only at country plants which are now operated as pool plants under the order. The witness noted that the Allentown plant was the only pool plant in the 45.1- to 55-mile zone and proposed that a differential not be applied on such plant on the basis of the bottling operation at the plant from which milk is distributed in competition with distribution from city plants. The next closest pool plant beyond the 45-mile zone is a can receiving plant in the 65.1- to 75-mile zone. Thus the cooperative proposed extension of the base zone to 65 miles.

Since the Allentown plant is the only pool plant which would be affected by the proposed zone extension, its situation is the only one of concern here.

While there is a substantial bottling and distribution business operated from the plant, it is also a very large manufacturing operation. Its pool status is maintained in conjunction with the bottling plant at Lansdale pursuant to § 1004.8(d) of the order. Hence, it is neither required to ship milk to distributing plants nor to distribute milk in the marketing area to maintain pool status. The cooperative has considerable flexibility in the operation of its plants under the order.

If city plant pricing were applicable at the Allentown plant, it would be a matter of indifference to individual producers whether their milk was delivered to such plant or to plants in the central market when their hauling costs from farm to plant are the same. In addition, producers favorably located with respect to the Allentown plant but now shipping to the central market would find it advantageous to deliver their milk to Allentown to reduce their hauling costs. Hence, the cooperative could expand its manufacturing operations by drawing supplies away from Philadelphia handlers, forcing them to seek out more distant sources of supply to obtain milk needed for fluid use or to pay premiums to hold their present supply.

In competing with regulated handlers in the marketing area the cooperative necessarily must transport its packaged products to the market. Similarly, to the extent it transfers bulk milk to other handlers additional transportation is involved. The location differentials herein provided cover only additional transportation per se and, accordingly, will tend to promote equity as between handlers in cost of milk disposed of in the marketing area.

While the Allentown plant is presently the only regulated plant within 65 miles of the central market at which location pricing is applicable there are, nevertheless, a number of other plants within a 45 to 65-mile range, or slightly beyond, which are either presently unregulated or are regulated under adjacent orders. Such plants could in the future become regulated under this order. Extension of the base zone would substantially alter interorder price relationships at these plant locations. The fact that there are presently no other plants regulated under this order within the 65-mile zone is not an appropriate criterion for modifying the location differential zone structure.

The location differential structure provided will promote uniformity of pricing among handlers and at the same time insure equitable sharing among producers of the proceeds from the sale of their milk.

In light of the foregoing considerations it is concluded that the proposals to extend the base zone should not be adopted.

Transfer adjustments. A cooperative association that operates three receiving stations which are pool plants proposed that Class I location credits on milk transferred between pool plants be prorated in accordance with the utilization at the transferee plant. The order now assigns such location credits to transfers only in an amount that Class I disposition at the transferee plant exceeds 95 percent of the direct receipts of producer milk and other source milk assigned to Class I at such plant.

The cooperative proposed proration in the assignment of location credits because it has transferred substantial amounts of milk under a Class I agreed assignment from one of its receiving stations to city plants but nevertheless had such milk assigned to Class II in the application of the location credits. Such assignment resulted because the transferee plants had ample direct producer receipts to cover their Class I disposition. The cooperative witness contended that such transfers should be treated equally with direct receipts in assigning such transfer credits.

The present provision of the order is intended to deter the movement of milk between plants for Class II use at producer's expense.

Milk not needed at city plants for Class I use can most economically be moved directly to manufacturing plants in the country for processing into manufactured products. If a cooperative elects to transship milk to city plants for Class II use the order should not prorate the transportation cost among all producers. Appropriately such cost should be recovered directly from the handler.

It is intended that the order shall insure only an adequate supply of milk available at city plants for fluid uses. Because demand varies from day to day some reserve supply necessarily must

always be available at such plants. It is for this reason that a Class I location credit is allowed on plant transfers which are not in excess of the amount by which Class I disposition of the transferee plant exceeds 95 percent of the sum of receipts at such plant from producers, from cooperative associations as handlers of bulk tank milk and the pounds assigned as Class I to receipts from other order plants, and from unregulated supply plants.

There is no indication on the record that the present provisions have in any way deterred city plants from maintaining a fully adequate milk supply for fluid use. If this were the case the allowance to which a Class I location credit is given could be appropriately adjusted. This does not appear to be the problem, however. It seems clear that in the instant case the transferee handler is, in fact, relying on the order to secure milk for manufacturing uses. Milk not needed for fluid use is first moved to his pool plant and subsequently transferred to his nonpool manufacturing plant. Under the circumstances there is no justification for modifying the procedure for assigning Class I location differential credits to accommodate this operation.

2. Provisions that have expired.

There are two provisions of the order which were effective for a specific time period which has now expired. Accordingly, they should be deleted. One is the proviso in § 1004.8(b) which accommodated the qualification of pool supply plants from the time the order was amended to provide for marketwide pooling (June 1967) through October 1967. The other is the provision in § 1004.63 which provided for a shorter base forming period during the first such period the plan became effective under the order in August through December 1967.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

In its brief the Milk Distributors Association of the Philadelphia Area, Inc., requested consideration of its objection made at the hearing to the receipt in evidence of certain economic material offered by a witness for the Dairymen's League Cooperative Association. The presiding officer's ruling has been reviewed in light of the arguments presented. The ruling, for the reasons stated by the presiding officer on the record, is hereby affirmed.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The following order amending the order as amended regulating the handling of milk in the Delaware Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1004.8 [Amended]

1. In 1004.8(b) the colon which precedes the proviso is changed to a period and the proviso which reads as follows is deleted:

"*Provided,* That for the months through October 1967, this condition shall not be applicable to any plant which has continuously been a fully regulated plant under the Delaware Valley order for the months of January 1967 to the effective date of this amending order."

§ 1004.52 [Amended]

2. In § 1004.52 paragraph (a) is amended by revising the table therein to read as follows:

Distance of plant from nearest city hall:	*Rate per hundredweight (cents)*
45 miles	7.5
Each additional 10 miles or fraction thereof an additional	1.5

§ 1004.63 [Amended]

3. In the introductory text of § 1004.63 the semicolon in the proviso therein is changed to a period and the text of the proviso which reads as follows is deleted:

"except that with respect to this paragraph and paragraphs (a), (b), and (c) of this section the initial base-forming period shall be August through December 1967 and the minimum number of days used to compute the producer's base which will be applicable during the March through June 1968 base-paying period shall be not less than 123:"

§ 1004.82 [Amended]

4. In § 1004.82 paragraph (a)(1) is amended by revising the amount "23 cents" therein to read "7.5 cents".

Signed at Washington, D.C., on October 8, 1968.

John C. Blum,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-12414; Filed, Oct. 10, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Issuance of Certificates of Correction

The Patent Office is currently giving consideration to the desirability of changing two of its rules dealing with the issuance of certificates of correction. The contemplated changes are intended to simplify and expedite the processing of requests for certificates of correction by permitting such certificates, when issued, to be physically attached to existing patents by the patentees or other parties in interest. Under present regulations this function is performed by the Patent Office.

Notice is hereby given, therefore, that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6), the Patent Office proposed to amend Part 1 of Title 37 of the Code of Federal Regulations as follows:

(1) By amending paragraph (a) of § 1.322 to delete from the first sentence the words "and endorsed on the patent itself". As thus amended, paragraph (a) would read as follows:

§ 1.322 Certificate of correction of Office mistake.

(a) A certificate of correction under 35 U.S.C. 254 may be issued at the request

of the patentee of his assignee. Such certificate will not be issued at the request or suggestion of anyone not owning an interest in the patent, nor on motion of the Office, without first notifying the patentee (including any assignee of record) and affording him an opportunity to be heard.

* * * * *

(2) By amending § 1.323 to delete therefrom the words "which shall be endorsed on the patent itself,". As thus amended, § 1.323 would read as follows:

§ 1.323 Certificate of correction of applicant's mistake.

Whenever a mistake of a clerical or typographical nature or of minor character which was not the fault of the Office, appears in a patent and a showing is made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination.

All persons who desire to present their views, objections, recommendations or suggestions in connection with the proposed changes are invited to do so by forwarding the same to the Commissioner of Patents, Washington, D.C. 20231, on or before November 19, 1968, on which day a hearing will be held at 9 a.m. in Room 3D50 Crystal Plaza Building 3–4, Arlington, Va.

All persons wishing to be heard orally are requested to notify the Commissioner of their intended appearance in advance of the hearing date.

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: October 8, 1968.

JOHN F. KINCAID,
Assistant Secretary for Science and Technology.

[F.R. Doc. 68–12406; Filed, Oct. 10, 1968; 8:48 a.m.]

Official name	Chemical name or description	Molecular formula
Alamecin	An antibiotic substance derived from *Trichoderma viride Pers. ex fries.*	
Azaserine	Serine diazoacetate (ester)	$C_5H_7N_3O_4$
Cephaloridine	1-[[2-Carboxy-8-oxo-7-[2-(2-thienyl)acetamido]-5-thia-1-azabicyclo [4.2.0]oct-2-en-3-yl]methyl]pyridinium hydroxide, inner salt.	$C_{19}H_{17}N_3O_4S_2$
Chlorprothixene	2-Chloro-*N,N*-dimethylthioxanthene-Δ^{9},γ-propylamine	$C_{18}H_{18}ClNS$
Citenamide	5*H*-Dibenzo[*a,d*]cycloheptene-5-carboxamide	$C_{16}H_{13}NO$
Clodazon	5-Chloro-1-[3-(dimethylamino)propyl]-3-phenyl-2-benzunidazolinone.	$C_{18}H_{20}ClN_3O$
Clomegestone	6-Chloro-17-hydroxy-16α-methylpregna-4,6-diene-3,20-dione	$C_{22}H_{29}ClO_3$
Clopidol	3,5-Dichloro-2,6-dimethyl-4-pyridinol	$C_7H_7Cl_2NO$
Clozapine	8-Chloro-11-(4-methyl-1-piperazinyl)-5*H*-dibenzo[*b,e*][1,4] diazepine	$C_{18}H_{19}ClN_4$
Dactinomycin	Actinomycin D	$C_{62}H_{86}N_{12}O_{16}$
Decoquinate	Ethyl 6-(decyloxy)-7-ethoxy-4-hydroxy-3-quinolinecarboxylate	$C_{24}H_{35}NO_5$
Dibromsalan	4′,5-Dibromosalicylanilide	$C_{13}H_9Br_2NO_2$
Diphenidol	α,α-Diphenyl-1-piperidinebutanol	$C_{21}H_{27}NO$
Dipyridamole	2,2′,2″,2‴-[(4,8-Dipiperidinopyrimido[5,4-*d*]pyrimidine-2,6-diyl) dinitrilo]tetraethanol.	$C_{24}H_{40}N_8O_4$
Dipyrone	Sodium (antipyrinylmethylamino)methanesulfonate hydrate	$C_{13}H_{16}N_3NaO_4S\cdot H_2O$
Doxapram	1-Ethyl-4-(2-morpholinoethyl)-3,3-diphenyl-2-pyrrolidinone	$C_{24}H_{30}N_2O_2$
Ethoxazene	4-[(*p*-Ethoxyphenyl)azo]-*m*-phenylenediamine	$C_{14}H_{16}N_4O$
Fluroxene	2,2,2-Trifluoroethyl vinyl ether	$C_4H_5F_3O$
Hydrocodone	Dihydrocodeinone	$C_{18}H_{21}NO_3$
Isoethariue	3,4-Dihydroxy-α-[1-(isopropylamino)propyl]benzyl alcohol	$C_{13}H_{21}NO_3$
Magaldrate	Tetrakis(hydroxymagnesium) decahydroxydialuminate dihydrate	$Al_2H_{14}Mg_4O_{14}\cdot 2H_2O$
Metabromsalan	3,5-Dibromosalicylanilide	$C_{13}H_9Br_2NO_2$
Midaflur	4-Amino-2,2,5,5-tetrakis(trifluoromethyl)-3-imidazoline	$C_7H_3F_{12}N_3$
Nequinate	3-Acetoxy-6-butyl-7-benzyloxy-4-oxoquinoline	$C_{22}H_{23}NO_4$
Norgestrel	(±)-13-Ethyl-17-hydroxy-18,19-dinor-17α-pregn-4-en-20-yn-3-one	$C_{21}H_{28}O_2$
Oxandrolone	17β-Hydroxy-17-methyl-2-oxa-5α-androstan-3-one	$C_{19}H_{30}O_3$
Oxethazaine	2,2′-[(2-Hydroxyethyl)imino]-bis[*N*-(α,α-dimethylphenethyl)-*N*-methylacetamide].	$C_{28}H_{41}N_3O_3$
Oxilapine	2-Chloro-11-(4-methyl-1-piperazinyl)dibenz[*b,f*][1,4]oxazepine	$C_{18}H_{18}ClN_3O$
Oxymetazoline	6-*tert*-Butyl-3-(2-imidazolin-2-ylmethyl)-2,4-dimethylphenol	$C_{16}H_{24}N_2O$
Pancrelipase	A concentrate of pancreatic enzymes standardized for lipase content.	
Paramethasone	6α-Fluoro-11β,17,21-trihydroxy-16α-methylpregna-1,4-diene-3,20-dione.	$C_{22}H_{29}FO_5$
Phenyramidol	α-[(2-Pyridylamino)methyl]benzyl alcohol	$C_{13}H_{14}N_2O$
Pipazetbate	2-(2-Piperidinoethoxy)ethyl 10*H*-pyrido[3,2-*b*][1,4]benzothiazine-10-carboxylate.	$C_{21}H_{25}N_3O_3S$
Poldine	2-(Hydroxymethyl)-1,1-dimethylpyrrolidinium benzilate	$C_{21}H_{26}NO_3$
Pralidoxime	2-Formyl-1-methylpyridinium oxime	$C_7H_9N_2O$
Prilocaine	2-(Propylamino)-*o*-propionotoluidide	$C_{13}H_{20}N_2O$
Protriptyline	*N*-Methyl-5*H*-dibenzo[*a,d*]cycloheptene-5-propylamine	$C_{19}H_{21}N$
Simethicone	A mixture of dimethyl polysiloxanes and silica gel	
Stanozolol	17-Methyl-5α-androstano[3,2-*c*]pyrazol-17β-ol	$C_{21}H_{32}N_2O$
Sulpiride	*N*-[(1-Ethyl-2-pyrrolidinyl)methyl]-5-sulfamoyl-*o*-anisamide	$C_{15}H_{23}N_3O_4S$
Tbiothixene	*N,N*-Dimethyl-9-[3-(4-methyl-1-piperazinyl) propylidene]thioxanthene-2-sulfonamide.	$C_{23}H_{29}N_3O_2S_2$
Tolnaftate	O-2-Naphthyl-*m,N*-dimethylthiocarbanilate	$C_{19}H_{17}NOS$
Tribromsalan	3,4′,5-Tribromosalicylanilide	$C_{13}H_8Br_3NO_2$
Vinblastine	An alkaloid (vincaleukoblastine) extracted from *Vinca rosea*	$C_{46}H_{58}N_4O_9$

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 138]

DRUGS

Proposed Additional Official Names

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the Commissioner proposes that § 138.2 be amended by alphabetically inserting the following items as official names for drugs:

§ 138.2 Drugs; official names.

* * * * *

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 1, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68–12346; Filed, Oct. 10, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 68–EA–108]

AIRWORTHINESS DIRECTIVE

Canadair Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive requiring inspection of certain interspar wing ribs of the Canadair CL–44 type airplanes.

There have been reports of cracks in the corners of the access cutouts in the interspar ribs at wing stations 24, 46, 115, 305, 451, and 485. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections at the aforementioned wing stations.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

CANADAIR: Applies to CL–44 Type Airplanes.

To detect cracks in certain interspar ribs accomplish the following after the effective date of this AD.

(a) Inspect for cracks the corners of the access cutouts in the interspar ribs at wing stations in accordance with the "Inspection Procedure" outlined in Canadair Service Information Circular (SIC) No. 373 dated June 11, 1968, disregarding paragraphs 3 and 4, or later FAA-approved revision, or an FAA-approved equivalent inspection.

(b) Replace cracked parts before further flight with a part of the same part number or an FAA-approved equivalent part, or repair cracked parts before further flight in accordance with Canadair Service Bulletin No. 475, or an FAA-approved equivalent repair.

(c) The repetitive inspection required by (a) need not be performed if each of the above ribs are reinforced in accordance with Canadair Service Bulletin No. 475, or an FAA-approved equivalent alteration.

(d) Equivalent parts, inspections, alterations, repairs and SIC revisions must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(e) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA.Eastern Region, upon receipt of substantiating data through an FAA maintenance inspector.

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423].

Issued in Jamaica, N.Y., on October 3, 1968.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 68-12378; Filed, Oct. 10, 1968; 8.45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 225]

[Docket No. 20329; EDR-149]

TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

Modification of Trade Agreement Authorization for Local Service Carriers; Extension of Part for One Year

OCTOBER 7, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 225 of its Economic regulations which would modify the trade agreement authorization of the local service carriers and extend the part for an additional year. The amendments are fully explained in the attached explanatory statement.

This regulation is proposed under authority of sections 204(a), 403, 404, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 760, and 771; 49 U.S.C. 1324, 1373, 1374, 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before November 12, 1968, will be considered by the Board before taking action. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[1] Vice Chairman Murphy's dissenting statement filed as part of the original document.

Explanatory statement. Section 403(a) of the Act requires that rates, fares, and charges shown in any tariff be stated in terms of lawful money. This provision, together with the requirement of adherence to tariffs in section 403(b), prohibits carriers from bartering air transportation for goods or services. However, acting under its exemption powers, the Board in Part 225[1] has authorized certain categories of carriers[2] to exchange transportation for advertising goods or services up to maximum specified amounts for each category.

Frontier Airlines, Inc., in Docket 19494 has petitioned the Board to amend Part 225 to increase the dollar limit of trade agreements for local service carriers from the existing ceiling of $200,000 a year to an annual ceiling of $400,000 or, in the alternative, $200,000 plus $3,000 for each station served with a maximum authorization of $400,000.

The carrier states that the ceiling on trade agreement authorizations has been periodically increased from the original authorization of $25,000 in 1955 to $200,000 in 1963. It maintains that the time is overdue for the periodic review of trade agreement allowances. The carrier indicates that since 1963, as a result of the Frontier-Central merger, normal growth and the Board's route strengthening program, its system has increased in passenger originations 252 percent; in revenue passenger miles, 252 percent; in available seat miles, 211 percent; in unduplicated route miles, 56 percent; and in cities served, 70 percent. According to Frontier, it served 66 stations in 1963 and now serves 99 stations and 114 cities,[3] more cities than are served by any other certificated carrier. Based on the number of cities served, the present $200,000 limitation[4] amounts to $1,750 per city served or about $1,250 less per city than was authorized in 1963. The carrier further states that its advertising expense has increased over threefold since 1963 and the merger will require even more advertising to establish a new identity. It points to similar growth increases in the local service carrier industry in that for the period 1963 to 1967, there was a 93 percent increase in passenger originations, 89 percent increase in available seat miles, 104 percent increase in revenue passenger miles, and a 50 percent increase in advertising expense. Also, during the same period on an industry basis, according to Frontier, the trade agreement authorization per passenger origination decreased 48 percent, per available seat mile decreased 47 percent and per revenue passenger mile decreased 51 percent. Frontier asserts that it used its entire trade agreement allowance each year from 1964 to 1967 inclusive.

Answers in support of Frontier's petition were filed by Pacific Air Lines, Inc., and Bonanza Air Lines, Inc. Pacific stated that if the present $200,000 limitation per carrier were applied to the merged carrier (Air West) the new carrier would have only 8 cents of potential trade agreement advertising per revenue passenger originated in 1967, whereas the three individual carriers prior to the merger (Bonanza, Pacific, and West Coast) had in 1966 from 24 to 31 cents per revenue passenger originated available to them. Bonanza suggested a ceiling of $600,000 in view of the pending merger of three carriers into one carrier.

It has been Board policy to establish uniform trade agreement allowances for the local service carriers regardless of their size. However, it now appears appropriate to recognize carrier size and route structure as a basis for differing allowances. Although this represents a departure from past Board policy, we think that this change is warranted in light of the disparities in the size of the various local service carriers. Thus, with respect to the number of stations served—which should have a direct bearing on the amount of advertising needed and therefore on the amount of trade agreement allowance required—the range is from 36 stations in the case of Mohawk to 97 stations in the case of the merged carrier, Frontier. All other things being equal, it would seem that these factors would affect the amount of advertising which would be required.

In order to provide greater recognition to the number of stations served by individual carriers, we have decided to modify the trade agreement allowance for the local service carriers from the same amount per carrier to a variable allowance dependent upon the number of stations served. At the same time we have concluded that there should not be any increase in the aggregate authority from what it was prior to the recent mergers, i.e., $2,600,000. It is true that, as Frontier points out, the volume of its operations (as well as the local carriers generally) is greater than it was when the last increase in the amount of trade allowance authorization was made in 1963 and that advertising expenses have increased substantially since that time. On the other hand, as the Board has repeatedly stated,[5] Part 255 is an exception

[1] Tariffs of Certain Certificated Airlines; Trade Agreements.

[2] Local service carriers, trunkline carriers with subsidized routes, intra-Hawaiian carriers, intra-Alaska carriers, and States-Alaskan carriers insofar as intra-Alaskan routes are concerned and certificated helicopters serving specified metropolitan areas.

[3] As of the present time, Frontier serves 97 points or stations.

[4] Section 225.6(a).

[5] See e.g., ER-379, adopted Apr. 12, 1963; ER-290, adopted Dec. 15, 1959; ER-227, adopted Dec. 26, 1957; ER-218, adopted Dec. 20, 1956.

to the general statutory principle against bartering transportation for services which the Board originally justified on the basis of a shortage of cash experienced by the local service carrier industry. We believe that as the local service carriers' route systems are strengthened and their volume of operations expanded, their future dependence on this method of paying for advertising should diminish rather than increase.

Accordingly, we propose to grant an aggregate authorization of about $2,602,000 a year based upon a per carrier annual allowance of $50,000 plus $4,000 for each station served.[6] Under this arrangement, Frontier and Air West—the local service carriers with the largest number of stations to serve—would be authorized trade agreement allowances of $438,000 and $350,000, respectively. On the other hand, Ozark, Piedmont, and Southern—the local service carriers with the smallest number of stations—would receive $246,000, $230,000, and $246,000, respectively.

By the terms of the part, trade agreements to be performed during 1969 must be filed with the Board prior to December 18, 1968. Therefore, the carriers are precluded from entering into any new contracts during 1969. Mohawk Airlines, Inc., in Docket 20251 has petitioned the Board to institute a rule making proceeding, on an expedited basis, to extend the part for a period of at least 3 years, or such longer period as the Board may deem appropriate.[7] However, the Board desires to review the trade agreement program in the light of the modification which we are proposing here as well as the changes which have taken place in the local service carrier industry, including expansion of route systems and upgrading of equipment. Accordingly, we are proposing an extension of the part for only one year.

Proposed rule. The Civil Aeronautics Board proposes to amend Part 225 of the economic regulations (14 CFR Part 225) as follows:

1. Amend § 225.1(a) by deleting and reserving subparagraph (2) as follows:

§ 225.1 Definitions.

For the purposes of this part:

(a) "Airline" means:

* * * * *

(2) [Reserved]

* * * * *

2. Amend § 225.2(a) to read as follows:

§ 225.2 Filing of notice of trade agreement and cancellation of such agreement.

(a) *Notice of trade agreement.* Any airline may at any time prior to December 18, 1969, file with the Board a notice of its intention to furnish air transportation in exchange for services or goods for advertising purposes. Every such notice shall be accompanied by an executed counterpart of a written agreement, containing all the terms of the agreement between the parties thereto, duly entered into by such air carrier with the supplier, and by an affidavit by the chief financial officer or other responsible officer of the airline having knowledge of the transaction in the form required by § 225.4. Every such notice shall be filed at least 14 days prior to the effective date specified in the trade agreement. Within the meaning of this part, air transportation shall be deemed to be furnished when the passenger is actually enplaned.

* * * * *

3. Amend § 225.5 by modifying paragraph (a) and deleting and reserving paragraph (1). As amended § 225.5 will read, in part, as follows:

§ 225.5 Provisions of agreement.

Each trade agreement entered into by an airline hereunder shall provide:

(a) That it shall become effective on a specified day, on or before January 1, 1970;

* * * * *

(1) [Reserved]

* * * * *

4. Amend § 225.6 to read, in part, as follows:

§ 225.6 Limitation on total value of trade agreements.

The total value of trade agreements entered into by any single airline in accordance with the provisions of this part shall be not more than:

(a) $200,000 in the aggregate each year for those airlines identified under § 225.1(a)(3);

* * * * *

(d) $50,000 plus $4,000 per station served in the aggregate each year for those airlines identified under § 225.1(a)(1). For the purpose of this paragraph, the number of stations served by a particular carrier on January 1 of each year shall be used in computing such carrier's aggregate trade agreement authorization for such calendar year.

[F.R. Doc. 68-12404; Filed, Oct. 10, 1968; 8:47 a.m.]

[6] We are also proposing to amend Part 225 by deleting the existing authorization for trunkline carriers on subsidy to enter into trade agreements. This provision was placed in the rule to assist Northeast Airlines, Inc., when that carrier was on subsidy with respect to its local service operations. Since no trunkline carrier is at present on subsidy, we tentatively find that these provisions are no longer required.

[7] By ER-453 adopted and effective Feb. 15, 1966, the Board last extended the part. This extension was for 3 years.

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[Docket No. 68-25]

TARIFF FILING REQUIREMENTS FOR PROJECT RATES

Enlargement of Time for Filing Answers

At the request of counsel for various conferences, and good cause appearing, time within which answers to the reply of Hearing Counsel may be filed is enlarged to and including October 24, 1968.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 68-12410; Filed, Oct. 10, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 298]

LAKEHEAD PIPE LINE CO., INC.

Notice of Application for Presidential Permit

The Department of State received, on August 30, 1968, an application dated August 20, 1968, from the Lakehead Pipe Line Co., Inc., a Delaware corporation having its main office at 3025 Tower Avenue, Superior, Wis., to construct, connect, operate, and maintain an export pipeline for crude oil and other hydrocarbons from St. Clair County, Mich., crossing the international boundary line between the United States and Canada in the St. Clair River, and to connect such facility with like facilities in the Province of Ontario, Canada.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 2, 1968.

For the Secretary of State.

[SEAL] CARL F. SALANS,
Deputy Legal Adviser.

[F.R. Doc. 68-12407; Filed, Oct. 10, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Modification of Grazing Districts; Correction

OCTOBER 3, 1968.

In F.R. Doc. 68-11655, published September 26, 1968 (33 F.R. 14475), the land in T. 5 S., R. 103 W., described as the SE¼SE¼, section 23, is corrected to read SE¼SE¼, section 13.

JOHN O. CROW,
Associate Director.

[F.R. Doc. 68-12374; Filed, Oct. 10, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Correction

In F.R. Doc. 68-10996 appearing at page 12058 of the issue for Wednesday, September 11, 1968, in the column headed "Name of establishment," the entry directly under "Mickelberry's Food Products Co." now reading "Do" should read "John Morrell and Co.".

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

MEDICAL COLLEGE OF OHIO AT TOLEDO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00687-33-46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: LKB 4800 Ultrotome I Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by medical students, residents, and faculty in the preparation of ultrathin sections of biological material for examination on a high resolution electron microscope. It will also be used to provide serial sections of relatively invariant thickness for the systematic study of tissues, many of which will be assayed by quantitative cytochemical procedures. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT-2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 6, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT-2 catalogue cited above.) In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12387; Filed, Oct. 10, 1968; 8:46 a.m.]

MICHIGAN TECHNOLOGICAL UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00182–65–09530. Applicant: Michigan Technological University, Houghton, Mich. 49931. Article: Laboratory hydrocyclone test set and laboratory hydrocyclone pump unit. Manufacturer: Liquid-Solid Separations Ltd., United Kingdom. Intended use of article: The article will be used for the following experiments:

a. To demonstrate the relationship between cyclone diameter, vortex finder diameter, apex valve diameter, inlet feed pressure, and inlet feed solid-liquid ratio on separation size using ground minerals of varying densities.

b. To prepare samples for flotation processing. Many flotation separation systems are quite sensitive to the presence of particles less than 15 microns in diameter.

c. To visually demonstrate typical flow patterns in hydrocyclones under varying conditions.

Application received by Commissioner of Customs: September 19, 1968.

Docket No. 69–00184–33–46040. Applicant: National Institutes of Health, Laboratory of Clinical Investigation, National Institute of Allergy and Infectious Diseases, Bethesda, Md. 20014. Article: Electron microscope, Model EM300. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article will be used in biomedical research which include the following specific problems to be investigated:

1. Study of the structure of the erythrocyte plasma membrane by negative staining and thin section techniques.

2. Electron microscopic study of the effects of antigen-antibody reaction on cell membrane structure and function.

3. High resolution study of the structure of conformation changes of plasma membrane protein.

4. Electron microscope autoradiographic localization of H3-serotonin in human platelets.

Docket No. 69–00187–01–77030. Applicant: Georgetown University, 37th and O Streets, Washington, D.C. 20007. Article: Nuclear magnetic resonance spectrometer, Model HFX–3/2. Manufacturer: Bruker-Physik AG, West Germany. Intended use of article: The article will be used to obtain spectra of various nuclei while operating in a locked mode on protons and also to conduct experiments on nuclei that have been observed previously such as, protons, carbon, phosphorus and nitrogen, primarily for heteronuclear decoupling, as well as nucleus, tungsten, which heretofore has not been observed. Also, to conduct double and triple resonance experiments on organic compounds, as well as, heteronuclear specific band and very wide band (5 KHz) decoupling. Application received by Commissioner of Customs: September 20, 1968.

Docket No. 69–00188–33–46040. Applicant: Washington University, School of Medicine, 4550 Scott Avenue, St. Louis, Mo. 63110. Article: Scanning electron microscope, Model Stereoscan Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used to examine the surface of cells with respect to virus infection, secretion of stored products and histochemical localization and identification of chemical constituents of the cell membrane. Studies on inflammation will be accomplished with respect to the mechanism by which leucocytes traverse the blood vessel walls and enter the area of inflammation. Also studies on the interrelationship of nerves and muscle fibers will be accomplished in order to determine the anatomical features of the mode of innervation of muscle fibers. Application received by Commissioner of Customs: September 20, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12388; Filed, Oct. 10, 1968; 8:46 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00688–33–46500. Applicant: National Institutes of Health, Building 6, Room 116, Bethesda, Md. 20014. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning of tumor and tissue culture materials for long term investigation of viruses in oncogenesis and tumorigenesis in human and other mammalian systems. Essential to this aspect is the correlation of sections by phase and electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an utramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. This capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above.) Ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are blacklash and slippage no matter how slight. In mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an

accuracy of 1° (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12389; Filed, Oct. 10, 1968; 8:46 a.m.]

NEWARK COLLEGE OF ENGINEERING

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00616–01–72000. Applicant: Newark College of Engineering, 323 High Street, Newark, N.J. 07102. Article: Rheogoniometer, Weissenberg Model R.18. Manufacturer: Sangamo Controls, Ltd., United Kingdom. Intended use of article: The article will be used to carry out sophisticated research on the behavior of molten polymers, polymers solutions, and biological fluids. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of measuring normal stress as well as viscosity as a function of the shear rate. There is no known comparable domestic instrument being manufactured in the United States which has this capability. The ability of the foreign article to measure normal stress as viscosity as a function of the shear rate is necessary to the accomplishment of the purposes for which such article is intended to be used, and, therefore, is pertinent to this purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12390; Filed, Oct. 10, 1968; 8:46 a.m.]

RUTGERS STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00170–33–46040. Applicant: Rutgers, The State University, Institute of Microbiology, New Brunswick, N.J. 08903. Article: Electron microscope, Model JEM–120 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for the following investigations:

1. The localization of organelles associated with the secretion of enzymes by yeast and bacteria.

2. The study of the ultramicroscopic structure of actinomycetes, mainly motile actinomycetes.

3. The architecture of virions of actinophages, bacteriophages, and human viruses. Also, the article will be used to follow the attachment of specific antibodies on molecules of nucleic acids acting as antigens.

Application received by Commissioner of Customs: September 13, 1968.

Docket No. 69–00171–33–46040. Applicant: University of Cincinnati, Kettering Laboratory, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in two major areas. One is the subcellular localization of various constituents of the central nervous system, particularly those concerned with neurotransmission. In this investigation it is necessary to identify storage sites. The second area of research is concerned with the biological effects of various trace metals, both essential and nonessential. To be undertaken is the investigation of the inhibition or activation of various enzyme systems by the presence or absence of zinc, lead, copper, cadmium, or beryllium. The subcellular localization of the metal enzymes is of great importance. Application received by Commissioner of Customs: September 16, 1968.

Docket No. 69–00174–33–01110. Applicant: Yale University, 20 Ashmun Street, New Haven, Conn. 06520. Article: Amino acid analyzer, Model JLC 5AH. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used to run cyclic peptides and diketopiperazines which do not give color with ninhydrin. The reproducible exact estimation of these amino acids in enzymatic hydrolyses of synthetic peptides forms an important part of the work undertaken with the amino acid analyzer. Application received by Commissioner of Customs: September 17, 1968.

Docket No. 69–00175–65–77040. Applicant: Midwest Research Institute, 425 Volker Boulevard, Kansas City, Mo. 64110. Article: Mass spectrometer, Model CH–4B. Manufacturer: Varian-Mat GmbH, West Germany. Intended use of article: The article will be used to determine the electron impact fragmentation pattern of molecular gases, molecular liquids and molecular solids in order to deduce the molecular structure, including molecular weight, of complex organic molecules and to identify and quantify structurally simple molecules. The materials to be analyzed will be present as pure compounds, as components of simple and complex mixtures or as separated components emerging from a gas chromatographic column directly into the mass spectrometer. Application received by Commissioner of Customs: September 17, 1968.

Docket No. 69–00179–98–65600. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, N.Y. 11973. Article: Main magnet power supply. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as the source of controlled electric power

for the main magnet of the Alternating Gradient Synchrotron. The power supply is intended to increase the pulsing rate and duty cycle of the synchrotron and to provide greater precision and flexibility. These two improvements will increase the proton beam intensity obtainable from the synchrotron and enhance the capability for conducting advanced experiments in fundamental high energy physics. Application received by Commissioner of Customs: September 18, 1968.

Docket No. 69–00180–33–46040. Applicant: The Genesee Hospital, 224 Alexander Street, Rochester, N.Y. 14607. Article: Electron microscope, Model EM300 and accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used for medical research and teaching at the Institution. Current studies include:

1. Intracellular localization of specific pepsinogens by electron microscopy involving immunohistochemical techniques.

2. Measurement of membrane thickness in the tubular systems of human fetal acid secreting cells.

3. Determination of the frequency of occurrence and characterization of nuclear excrescences in neutrophiles of patients suffering from carcinoma and in appropriate controls.

4. Several projects including electron microscopic evaluation of biological specimens are being performed by Research Fellow-Trainees.

Application received by Commissioner of Customs: September 18, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12391; Filed, Oct. 10, 1968; 8:46 a.m.]

TEXAS A. & M. UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00643–33–47295. Applicant: Texas A. & M. University, Department of Biology, College Station, Tex. 77843. Article: Monitoring tank for recording movement of fish. Manufacturer: Assembled by scientists and technicians at McMasters University, Canada. Intended use of article: The article will be used for research in the role of sensory information in orientation of fish and their movements. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a unique custom-built tank for studying the movement of small fish in response to chemicals released at prearranged points. Movements are recorded by suitable devices. There is no known equivalent domestic instrument being manufactured in the United States. The ability of the foreign article is to be used in the study of small fish movement as necessary to the accomplishment of the purpose for which such article is intended to be used and, therefore, is pertinent to this purpose.

The department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12392; Filed, Oct. 10, 1968; 8:46 a.m.]

UNIVERSITY OF NORTHERN IOWA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00686–33–46500. Applicant: University of Northern Iowa, Biology Department, Cedar Falls, Iowa 50613. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare long series of uniform sections down to 50A thickness for orientation and measurement by means of phase microscopy and photomicrography of the effects on membrane systems and organelles of host cells after the entry of parasitic fungus hyphae or haustoria, mycorrhizal hyphae, and certain intracellular symbionts. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Deartment of Health, Education, and Welfare (HEW) in its memorandum dated September 4, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome

is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12393; Filed, Oct. 10, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20304]

TRANS-TEXAS AIRWAYS, INC. AND TRADEWINDS AEROMOTIVE, INC.

Notice of Proposed Approval of Sale of Aircraft

Application of Trans-Texas Airways, Inc., for approval, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, of the sale of 13 DC-3 and one Corvair 240 aircraft, engines and parts inventory, Docket 20304.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 8, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING TRANSACTION

Issued under delegated authority.

Application for approval of aircraft sales agreement between Trans-Texas Airways, Inc. and Tradewinds Aeromotive, Inc., pursuant to section 408 of the Federal Aviation Act of 1958, as amended.

By application filed September 30, 1968, Trans-Texas Airways, Inc. (TTA), requests approval, without hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act) of the sale to Tradewinds Aeromotive, Inc. (Tradewinds), of 13 Douglas DC-3 aircraft and one Corvair CV-240 aircraft, spare engines for both aircraft types and an inventory of other DC-3 and CV-240 parts, equipment and tools. The sale price is $400,000.

According to the application TTA has acquired by lease sufficient modern aircraft (CV-600's and DC-9's) to phase out the older aircraft involved in the instant transaction. Only two of the DC-3's (and no CV-240's) are being currently used on TTA schedules and these will be replaced by two leased CV-600's. Thus, the carrier maintains that although the transaction might appear to result in depletion of its fleet, any apparent decrease in capacity has been more than made up by new aircraft.

No comments or objections to approval of the application have been filed.

Upon review of the application, we conclude that the aircraft, engines and inventory of parts to be sold by Trans-Texas to Tradewinds, a person engaged in a phase of aeronautics, constitute a substantial part of the properties of Trans-Texas within the meaning of section 408 of the Act. However, we also conclude that the transaction will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation; will not result in creating a monopoly; and will not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that a hearing is not required.

The transaction appears to be in the public interest. Trans-Texas will dispose of equipment which is surplus to its needs. Moreover, the carrier has acquired new jet equipment and turbo-prop CV-600's. Thus, disposition of the DC-3's should not impair the carrier's ability to meet its certificate obligations.

Notice of intent to dispose of the application, without a hearing, has been published in the FEDERAL REGISTER and a copy of such action has been furnished by the Board to the Attorney General not later than the day following the date of such application, both in accordance with the requirements of section 408(b) of the Act.

Pursuant to the authority delegated by the Board's regulations, 14 CFR 385.13, it is found that the above-described transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered:

1. That the transaction described in the instant application be and it hereby is approved; and

2. That this action does not constitute a determination of the reasonableness of the transaction for rate-making purposes.

Persons entitled to petition the Board for review of the order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12405; Filed, Oct. 10, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18128; FCC 68-988]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Regarding Private Line Rate Investigation

In the matter of American Telephone and Telegraph Co., Long Lines Department, Docket No. 18128; revisions of Tariff FCC No. 260, Private Line Services, Series 5000 (TELPAK).

1. The Commission has before it:

A "Motion to Fix Date for Pleadings Pursuant to Rule 1.229," filed July 31, 1968, by Aeronautical Radio, Inc. (ARINC), a Petitioner to intervene herein.

2. In its motion ARINC requests that the Commission issue an order specifying the date upon which motions to enlarge or clarify the issues in this proceeding may be filed. ARINC points out that under section 1.229 of the Commission's rules (47 CFR § 1.229), motions to modify hearing issues are to be filed within 15 days after publication of such issues in the FEDERAL REGISTER. However, the Commission, by its memorandum opinion and order released July 16, 1968 (FCC 68-711, 13 FCC 2d 853), deferred hearings in the above-entitled proceeding until further order of the Commission subsequent to a determination of the rate principles in Docket No. 16258 and the TELPAK sharing issue in Docket No. 17457. ARINC indicates that it may wish to file a motion for clarification or enlargement of issues and suggests that depending on the outcome of Dockets Nos. 16258 and 17457, it, as well as other parties, may wish to request further modification of the hearing issues at a later date. Thus, ARINC requests that all pleadings by any party, directed to changes in the hearing issues, be ordered to be filed within 15 days after the Commission's order removing the deferred hearing status of the proceeding.

3. It is the view of the Commission that the motion filed by ARINC makes a reasonable request, that good cause has been shown for such delays in filing of motions to enlarge, change or delete the issues herein and that a granting of ARINC's present motion would contribute to a more orderly administrative procedure in this proceeding.

Accordingly, it is ordered, That the "Motion to Fix Date for Pleadings Pursuant to Rule 1.229" is granted and that all pleadings filed in this proceeding pursuant to such rule shall be filed not more than 15 days after publication in the FEDERAL REGISTER of the order by which the Commission reinstitutes the hearing status in this docket.

Adopted: October 2, 1968.

Released: October 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12397; Filed, Oct. 10, 1968; 8:47 a.m.]

[Docket Nos. 18210-18212; FCC 68R-413]

REGAL BROADCASTING CORP. (WHRL-FM) ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Regal Broadcasting Corp. (WHRL-FM), Albany, N.Y., Docket No. 18210, File No. BPH-6054; Functional Broadcasting, Inc., Albany, N.Y., Docket No. 18211, File No. BPH-6124; WPOW, Inc., Albany, N.Y., Docket No. 18212, File No. BPH-6129; for construction permits.

[1] Commissioner Johnson absent.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission order, FCC 68–612, released June 18, 1968. That order specified Suburban issues as to Regal Broadcasting Corp. (Regal) and WPOW, Inc. (WPOW) as well as a standard comparative issue. WPOW has now requested the Board to enlarge the issues [1] to include the following:

(1) To determine the extent, if any, to which the proposed appropriation by Functional Broadcasting, Inc. (Functional), of both subchannels for operation of its Upstate New York "Muzak" franchise and its supermarket "Storecast Service" would foreclose needed and desired development of FM stereophonic broadcasting in the Albany area, or otherwise be detrimental to the needs and interests of the general listening public.

(2) To determine whether Functional has, in the operation of its existing stations, subordinated its broadcasting operations to its background music and storecasting operations to an extent or in a manner inconsistent with the public interest and, if so, (1) whether it is qualified to be a licensee, or (2) whether this record reflects adversely on its comparative qualifications.

(3) To determine whether there are significant needs in the Albany area for locally oriented programing and, if so, which of the applicants is most likely to meet those needs on the basis of present proposals and past broadcast records.

(4) To determine the extent, if any, to which a grant of the application of Functional would result in an undesirable concentration of control of FM broadcasting in Upstate New York, and particularly control of "background music" carried by multiplex on FM.

All four of the requested issues stem from the fact that Functional Broadcasting, Inc. (Functional), is a wholly owned subsidiary of Amalgamated Music Enterprises, Inc. Amalgamated Music Enterprises also owns various companies engaged in distribution of background music (Muzak) and in storecasting. These companies have contracted with the three existing FM stations owned by Functional to use their subsidiary communications channels for background music and storecasting. Moreover, Functional's application for Albany also proposes to make the subsidiary channels available to the associated companies for background music and storecasting.

2. To the extent that the first requested issue seeks to explore the effects which Functional's proposal to use both subchannels for subsidiary communications would have upon its technical ability to provide FM service including stereo broadcasting to the general public, that matter is dealt with in a companion memorandum opinion and order, FCC 68R–414 released October 8, 1968. In that memorandum opinion and order the Board indicated that this question can be fully explored under the existing comparative issue.

3. In support of the second issue requested, WPOW has urged that the broadcast aspects of the three existing FM stations operated by Functional have been subordinated to its background music and storecasting businesses; that in fact the programing of all three stations is now identical; and that they are operated as a single station with three transmitters in three communities with no consideration for the local needs of the communities involved. Moreover, WPOW alleges that the program proposal contained in the application for each of Functional's three existing stations was very similar to the programing proposals presently before the Board in Functional's application for a station in Albany, N.Y. It notes further that the most recent renewal applications of those stations indicate a proposal which is essentially 91 percent music and 9 percent news with no specific provision for any other programing categories. Finally it alleges that each of the stations had originally proposed some local live programing and that not one of the three in their most recent renewal applications proposes any local live programing. WPOW particularly notes that in the original applications for Functional's stations a number of programs such as local church services, university round tables, high school forums, local health notes, etc., were proposed, but that an examination of the composite weeks submitted with the renewal applications of those stations did not indicate that any of the above-described programs were included in the programing for that week. In response to this Functional has stated that at the time its earlier applications for stations were submitted, FM was just beginning; that it, as a pioneer in the FM broadcasting business, has developed a number of new techniques which have contributed to the success of FM; and that it has spent a substantial amount of money to develop a music programing pattern and technique which results in a program offering which is pleasing to a great percentage of the radio listeners in west central New York State. Functional also argues that it is an FM broadcasting company, and that it employs a substantial number of people to carry out this business. It concludes that it has not and will not subordinate its FM broadcasting business to background music or storecasting, each of which is carried on by a separate corporate entity which gets no more from Functional than a contract right to use such channels for subsidiary communications.

4. In our view, petitioner's allegations do not show that the similarities of programing on Functional's existing FM stations necessarily flow from a subordination of its FM broadcasting to its background music and storecasting activities. Nor can we conclude, absent additional information, that the programing of Functional's existing stations is not in the public interest. However, the evidence of Functional's failure to follow through on the proposals it has made in past applications raises serious questions as to the reliability of its present proposal. If we are to compare Functional's proposal with those of WPOW and Regal, we must have some assurance that each will adhere to the proposals advanced. The questions thus raised can best be resolved in the context of hearing. The Board will, therefore, add an issue to determine whether the Commission can rely upon Functional to operate its station as proposed.

5. The third requested issue would inquire whether there is a special need for "locally oriented programing" and, if so, which applicant is most likely to meet those needs. This request constitutes, in effect, an attempt to expand the comparative inquiry to encompass proposed programing. To support this request, WPOW has pointed out significant differences in the percentage of the broadcast day which each applicant proposes to devote to locally oriented programing. Moreover, WPOW has alleged the relationship between its more extensive locally oriented programing proposal and its efforts to ascertain community needs and interests.[2] Accordingly, the Board will add a comparative programing issue to this proceeding.[3]

6. The fourth requested issue seeks to explore alleged monopolistic aspects of Functional's proposal with special emphasis on its domination in the background music and storecasting business in west central New York. In our view the showing advanced by the petitioner is not sufficient to warrant the issue. There is a plethora of FM service in the area proposed to be served by the new Albany station. There is no evidence of any signal overlap prohibited by the rules among the existing stations or the existing stations and the proposed Albany station. Moreover, it is apparent from the responses to this petition that there are a number of other companies in the background music and storecasting business in the west central New York area. To the extent that Functional's station ownership and its distribution of background music has a bearing on its comparative qualifications to be a broadcast licensee, this matter may be explored under the diversification criterion of the standard comparative issue. The requested issue will, therefore, be denied.

7. *Accordingly, it is ordered,* That the Petition To Enlarge Issues filed by WPOW, Inc., July 22, 1968, is granted to the extent indicated in this memorandum opinion and order, and denied in all other respects.

[1] The Board also has before it for consideration Comments on Motion to Enlarge Issues, filed Aug. 16, 1968, by Regal Broadcasting Corp.; Opposition by Functional Broadcasting, Inc., filed Aug. 22, 1968; Broadcast Bureau's Comments on Motion to Enlarge Issues, filed Aug. 27, 1968; and Reply by WPOW, Inc., on its Motion to Enlarge Issues, filed Sept. 9, 1968.

[2] Chapman Radio, 7 FCC 2d 213, 9 RR 2d 635 (1967).

[3] The Board's finding in this matter is limited to the allegations in the pleadings here before it. The questions presented by the Suburban issue are not reached.

8. *It is further ordered,* That the issues in this proceeding are enlarged as follows:

(a) To determine the extent to which FM stations licensed to Functional Broadcasting, Inc. have in operation deviated from the proposals made in their respective applications and, in light of the facts so ascertained, to determine whether Functional Broadcasting, Inc.'s proposal for a new FM station at Albany, N.Y., can be relied upon.

(b) To determine significant differences with respect to the manner in which the applicants propose to meet established FM program needs of Albany, N.Y.

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence and burden of proof under issue (a) above will be on Functional Broadcasting, Inc.

Adopted: October 4, 1968.

Released: October 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-12398; Filed, Oct. 10, 1968; 8:47 a.m.]

[1] Board Member Berkemeyer abstaining.

[Docket Nos. 18210-18212; FCC 68R-414]

REGAL BROADCASTING CORP. (WHRL-FM) ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Regal Broadcasting Corp. (WHRL-FM), Albany, N.Y., Docket No. 18210, File No. BPH-6054; Functional Broadcasting, Inc., Albany, N.Y., Docket No. 18211, File No. BPH-6124; WPOW, Inc., Albany, N.Y., Docket No. 18212, File No. BPH-6129; for construction permits.

1. The above-captioned mutually exclusive applications for a new FM station in Albany, N.Y., were designated for hearing by Commission Order, FCC 68-612, released June 18, 1968. That order included a Suburban issue as to Regal Broadcasting Corp. (Regal) and WPOW, Inc. (WPOW), and a standard comparative issue. Functional Broadcasting, Inc. (Functional) filed a petition to enlarge comparative issues on July 22, 1968,[1] requesting the following issues:

(1) To determine, upon examination of the circumstances under which WPOW, Inc., voluntarily relinquished opportunities to provide nighttime service over Radio Station WHAZ, Troy, N.Y., whether a comparative demerit should be assessed against WPOW, Inc.

(2) To determine on a comparative basis the significant differences between the applicants with respect to the efforts made by each applicant to ascertain the needs and interests of the community and area each proposes to serve.

(3) To determine, in light of representations made in the programing proposals of Regal Broadcasting Corp. and WPOW, Inc., whether their respective programing proposals can be relied upon.

(4) To determine whether any comparative preference ought to be accorded to Functional Broadcasting, Inc., by virtue of superior utilization of technical facilities.

(5) To determine on a comparative basis the significant differences between the applicants with respect to proposed programing.

The requested issues will be considered seriatim.

2. The first issue requested by Functional arises from a series of negotiations among WPOW, Inc. (WPOW), Rensselaer Polytechnic Institute (WHAZ), and The Forward Association, Inc. (WEVD), each of which was the licensee of a radio station operating on 1330 kHz, Rensselaer operating WHAZ in Troy, N.Y., and WPOW and WEVD in New York City. These three stations shared time on the frequency. There were some disagreements among the licensees as to the proper time sharing arrangements and Rensselaer proposed to assign the daytime operation of WHAZ to Troy Record Co. and its nighttime share of the operating hours to WEVD for use in New York City. WPOW objected and asked to be made a party to the arrangements. After correspondence among the parties and the Commission, a new proposal was presented whereby WPOW would purchase WHAZ's daytime operation and the nighttime hours (from 6 p.m. to midnight each Monday) would be distributed between WPOW and WEVD to be used in each instance in New York City. WPOW paid $40,000 and WEVD $15,000 for the nighttime operating time formerly used by WHAZ in Troy. This proposal was approved by the Commission and WPOW, Inc., became the licensee of WHAZ, June 14, 1967. Based on the foregoing facts, Functional argues that WPOW deliberately bargained away an opportunity to provide nighttime service to the Albany area and that consequently an issue looking toward a comparative demerit to WPOW should be included in this proceeding.

3. In the Board's view the factual allegations advanced by Functional do not warrant the inclusion of such an issue. There are no allegations of misconduct on the part of WPOW, nor are there any allegations which would warrant a conclusion that WPOW would not be a suitable licensee of an FM station in Albany. The fact that, in settling a three-way dispute concerning the sharing of 1330 kHz, the Commission approved an arrangement which resulted in the use at New York City of six nighttime hours per week, which were formerly available for use to Troy, does not warrant consideration in this proceeding. Accordingly, the requested issue will be denied.

4. Functional notes that the Commission included a Suburban issue as to both Regal and WPOW. It then asserts that since no Suburban issue was included as to Functional's proposal, a prima facie case for an issue looking toward comparative consideration of the efforts made by the respective applicants to ascertain the needs of the community they propose to serve is appropriate under the doctrine set forth in Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967), and other cases following that rationale. In support of this position Functional further alleges that its comprehensive demographic study (including information concerning recreational and cultural facilities, age distribution of the population, labor forces, income, housing, and other pertinent data), its personal interviews of 376 persons selected at random in the Albany area, its telephone survey of 475 persons, its complete analysis of the radio signals available to the community, and its survey of 20 government, civic, educational, business, or religious leaders in Albany is in marked contrast to the efforts of its competitors. In response to this request Regal has taken the position that as the licensee of an existing FM station it is in a position to be fully informed of the needs and interests of the FM audience in Albany. Moreover, it argues, the studies relied upon by Functional are nothing more than "* * * a carefully orchestrated program to achieve preconceived results * * *." Thus, Regal argues, Functional has failed to make the showing required by Chapman, supra, for the inclusion of the requested issue. WPOW states that it does not oppose the issue requested by Functional but would prefer to see the matter explored by the inclusion of a general Suburban issue as to Functional. Thus each applicant would be confronted with a similar issue. The Board agrees with the Bureau's suggestion that the allegations in this petition indicate that an evidentiary inquiry may well establish significant differences in the efforts put forth by each of the applicants to ascertain the program needs of the community it proposes to serve. We do not, however, concur with the Bureau's suggestion that the comparative efforts issue should be held in abeyance until after a showing by each of the other parties pursuant to the Suburban issue.[2] Such a procedure does not appear to afford any particular advantage and may well result in undue delay in the ultimate disposition of the matter. An issue to explore as a comparative matter the efforts made by each of the applicants to ascertain the needs of the community it proposes to serve will, therefore, be included.

5. Functional has requested an issue to determine, in light of the representations made, whether programing proposals of Regal and WPOW can be relied upon. In support of this request, Functional asserts that as to WPOW it proposes a substantial percentage of local live programs, and that it has budgeted

[1] The Board also has before it oppositions filed by Regal Broadcasting Corp. on Aug. 16, 1968, and by WPOW, Inc., on Aug. 20, 1968; comments by Broadcast Bureau filed Aug. 20, 1968; and a reply by Functional Broadcasting, Inc., filed Sept. 9, 1968.

[2] Azalea Corp., 10 FCC 2d 364, 11 RR 2d 541.

only $30,000 for its first year of operation; that the production of such programs requires extensive editorial supervision by talented people, and that consequently it cannot be expected that WPOW will in fact present the program schedule it has proposed. Further Functional alleges that Regal's reliance on its existing programing is a basically inadequate showing, and that there is no factual foundation upon which the Commission can base a judgment as to that applicant's proposed programing. These allegations do not warrant the inclusion of the requested issue as to Regal or WPOW. In its Policy Statement on Comparative Broadcast Hearings,[3] the Commission stated that no independent factor or likelihood of effectuation of proposals will be utilized. Thus, Functional's allegations regarding WPOW actually relate to its financial qualifications and the adequacy of its staffing proposal. To the extent that Functional is suggesting that WPOW may not have estimated sufficient funds to meet its first year's cost of operation, Functional's allegations fall short of the specificity and substantiation required by section 1.229 (c) of the Commission's rules. Thus based on the allegations here before it, the Board finds no justification for inclusion of such an issue.[4]

6. Functional has pointed to the Commission's Policy Statement on Comparative Broadcast Hearings, supra, noting particularly that in comparative cases the efficiency aspects of the various engineering proposals should be considered, taking into account all aspects of the service proposed in determining which of the applicants should be preferred. Further, Functional noted that the Commission has already indicated that the comparative consideration in this case will take into account the differences in the proposed service areas of the three applicants. Functional then suggests that since it proposed "a concept of total radio," it should receive a comparative preference for this aspect of its proposal. In support of this position Functional notes that it will offer FM programing 24 hours per day on the main channel, a "Muzak" service on the first subchannel, and on the second subchannel will provide a storecasting service from 9 a.m. to 6 p.m. during the weekdays, and a stereo broadcasting service from 6 p.m. until 9 a.m. weekdays and 24 hours per day during the weekends. Thus, argues Functional, the maximum possible communication services will be provided by its proposed use of the frequency. Furthermore it notes that it has proposed both vertical and horizontal polarization for better reception throughout its entire service area. In opposition to this request, it is argued that the principal objective to be achieved by the use of the channels assigned to FM broadcasting is the optimum FM service to the general public and that Functional's proposed use of the subchannels for Muzak and storecasting is at the expense of daytime FM stereo, Monday through Friday. Moreover, it is argued that the extensive subsidiary use of the FM frequency to some extent diminished the quality of the FM signal broadcast on the primary channel, thus adversely affecting reception at the outer edges of the predicted service area. In view of these conflicting arguments and allegations, it appears that the matter can best be resolved in the hearing process. Such hearing is not precluded by section 73.294(b) of the rules. The questions which will be explored do not deal with the public interest aspects of the programing of Functional's Subsidiary Communications Authorization (SCA) but rather with the technical aspects of the applicant's abilities to provide an FM broadcast service, including stereo service, to the general public. In these circumstances, the technical aspects of each of the proposals may be explored under the efficiency criterion of the standard comparative issue, particularly the effects of Functional's proposed subsidiary uses upon its ability to provide FM service, including FM stereo, to the general public.[5]

7. Functional has also requested the inclusion of an issue looking toward comparison of the significant differences among the applicants with respect to their proposed programing. In a companion memorandum opinion and order, FCC 68R–413, released October 8, 1968,——— FCC 2d———, the Board added a comparative programing issue. Functional's request is therefore moot.

8. *It is ordered,* That the petition to enlarge comparative issues, filed by Functional Broadcasting, Inc., July 22, 1968, is granted to the extent indicated herein and denied in all other respects.

9. *It is further ordered,* That the issues in the above-captioned proceeding are enlarged to include the following issue:

To determine on a comparative basis whether there are significant differences among the applicants with respect to the efforts made by each applicant to ascertain the needs and interests of the community it proposes to serve.

Adopted: October 4, 1968.

Released: October 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–12399; Filed, Oct. 10, 1968; 8:47 a.m.]

[3] 1 FCC 2d 393, 5 RR 2d 1901.

[4] On Sept. 17, 1968, the Board granted Functional's petition requesting a staffing issue against WPOW in the instant proceeding, FCC 68R–386, ——— FCC 2d ———.

[5] In another memorandum opinion and order, the Board deals with related questions concerning Functional's proposed subsidiary uses. See FCC 68R–413 released October 8, 1968, ——— FCC 2d ———.

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 6]

GREAT SOUTHERN CORP.

Notice of Receipt of Application for Permission To Acquire Control of Zions Savings and Loan Association

OCTOBER 8, 1968.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Great Southern Corp., Houston, Tex., on behalf of itself and its parent companies, Great Southern Life Insurance Co., Houston, Tex., and the Greenwood Corp., Houston, Tex., for permission to acquire control of the Zions Savings and Loan Association, Salt Lake City, Utah, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and section 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition would be effected by the purchase of 98 percent of the guarantee stock of the Zions Savings and Loan Association from the Zions Utah Bancorporation of Nevada by the State Savings and Loan Association, Salt Lake City, Utah, a wholly owned subsidiary of the Great Southern Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68–12394; Filed, Oct. 10, 1968; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

BLUE STAR LINE, LTD., AND PORT LINE LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice

in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Edmund C. Smith, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.

Agreement 9748, between Blue Star Line, Ltd., and Port Line, Ltd., appoints Blue Star Port Lines, Ltd., to act as agent for the parties in New Zealand for the solicitation and booking of cargoes, collection of freights, and adjustment of sailing schedules of vessels in New Zealand ports.

Dated: October 8, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-12409; Filed, Oct. 10, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3162, etc.]

JEANNE WASHBURN HOLLEMAN ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 1, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3162 D 9-9-68	Jeanne Washburn Holleman, c/o Wilbur J. Holleman, National Bank of Tulsa Bldg., Tulsa, Okla. 74103 (partial abandonment).	Mississippi River Transmission Corp., West Unionville Field, Lincoln Parish, La.	(1)	
G-3169 D 9-9-68	M. H. Marr, 2500 Republic National Bank Bldg., Dallas, Tex. 75201 (partial abandonment).	----do----	(1)	
G-4579 D 9-9-68	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003 (partial abandonment).	Northern Natural Gas Co., Eumont Field, Lea County, N. Mex.	(2)	
G-8524 D 9-5-68	Charles K. Williams, c/o Wilbur J. Holleman, National Bank of Tulsa Bldg., Tulsa, Okla. 74103 (partial abandonment).	Mississippi River Transmission Corp., West Unionville Field, Lincoln Parish, La.	(1)	
G-11479 C 6-21-68	Pan American Petroleum Corp. (Operator) et al.,[3] Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., House Abo Field, Lea County, N. Mex.	[4] 10.0	14.65
G-13322 D 9-13-68	Lincoln Converse Co., 1105 Southland Center, Dallas, Tex. 75201.	Mississippi River Transmission Corp., West Unionville Field, Lincoln Parish, La.	(1)	
CI62-706 C 9-11-68	Alco Oil & Gas Corp. (Operator) et al., Post Office Box 52027, OCS, LaFayette, La. 70501.	El Paso Natural Gas Co., acreage in San Juan County, Utah.	17.7	15.025
CI63-489 C 9-18-68	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73116.	Michigan Wisconsin Pipe Line Co., Dacoma, Southeast Field, Alfalfa County, Okla.	[5] 15.0	14.65
CI67-142 C 8-2-68	N. G. Clark, c/o DaCosta Smith, Jr., attorney, 135 Main Ave., Weston, W. Va. 26452.	Equitable Gas Co., Hacker's Creek District, Lewis County, W. Va.	25.0	15.325
CI67-286 C 9-12-68	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	15.0	14.65
CI67-1009 A 2-9-67	Lewis E. and Clyde L. Warner, Alma, W. Va. 26320.	A. A. Pursley, acreage in Tyler County, W. Va.	[6] 19.615 [7] 17.654	15.325
CI67-1622 C 9-18-68	W. C. McBride, Inc., c/o James F. McCarthy, attorney, 25 North Brentwood Blvd., Clayton, Mo. 63105.	Arkansas Louisiana Gas Co., Cameron Field Area, Le Flore County, Okla.	15.0	14.65
CI67-1772 C 9-16-68	Texota Oil Co. (Operator) et al., 811 San Jacinto Bldg., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., acreage in Franklin, Sebastian, Logan, and Scott Counties, Ark.; Le Flore, Haskell, Latimer, Pittsburg, Atoka, Coal, Sequoyah, and McIntosh Counties, Okla.	15.0	14.65
CI68-705 A 11-15-67	A. A. Pursley, Box 51, Leroy, W. Va. 25252.	The Manufacturers Light & Heat Co., acreage in Tyler County, W. Va.	20.596	15.325
CI68-1148 C 9-16-68	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District Kanawha County, W. Va.	28.0	15.325
CI69-263 A 9-12-68	Crown Petroleum, Inc., c/o Sherman S. Poland, attorney, Ross, Marsh, and Foster, 725 15th St., NW., Washington, D.C. 20005.	Panhandle Eastern Pipe Line Co., acreage in Ellis County, Okla.	[8] 17.0	14.65
CI69-264 B 9-11-68	Joseph Rubin, Box 6357, Charleston, W. Va.	Consolidated Gas Supply Corp., Ravenswood District, Jackson County, W. Va.	Uneconomical	
CI69-265 A 9-13-68	Stanley-Hager, c/o Joseph H. Hager, Huntington, W. Va. 25700.	Consolidated Gas Supply Corp., Weston District, Lewis County, W. Va.	25.0	15.325
CI69-266 A 9-13-68	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Texas Eastern Transmission Corp., Vermilion Block 164 Field, Offshore, Louisiana.	21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-267 A 7-5-68 [9]	Sabine Oil Industries, Inc., c/o Harry C. Marberry, attorney, 2207 First National Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	17.0	14.65
CI69-268 (G-19337) F 7-5-68	Sabine Oil Industries, Inc. (successor to Southwest Oil Industries, Inc.[10]).	do	16.0	14.65
CI69-269 A 9-18-68	Spartan Gas Co., Post Office Box 766, Charleston, W. Va. 25323.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI69-270 A 9-18-68	Commonwealth Gas Corp., Post Office Box 1433, Charleston, W. Va. 25325.	do	28.0	15.325
CI69-271 A 9-16-68	Alan L. Lamb and Clifton Gaff, c/o Monnet, Hayes, Bullis, Grubb & Thompson, 1719 First National Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[8] 17.0	14.65
CI69-272 A 9-18-68	Nielson Enterprises, Inc., c/o Gordon L. Llewellyn, attorney, 900 Southland Center, Dallas, Tex. 75201.	Northern Natural Gas Co., Mocane Field, Harper County, Okla.	[8] 17.0	14.65
CI69-273 (G-15066) (G-17863) F 9-11-68	L. L. Wilkins E & O Co. (successor to Tenneco Oil Co. et al.), Box 757, Healdton, Okla. 73438.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	10.25	14.65
CI69-274 A 9-16-68	E. C. Ware, Post Office Box 7348, Beauty, Ky. 41203.	United Fuel Gas Co., acreage in Knott County, Ky.	23.0	15.325
CI69-275 B 9-16-68	Trio Oil & Gas Co., Inc., Box 264, West Union, W. Va. 26456.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Uneconomical	
CI69-276 (G-8411) F 9-13-68	Haught Drilling Co. (successor to Bowser Gas & Oil Co.), c/o L. E. Haught, attorney, Smithville, W. Va. 26178.	Pennzoil United, Inc., acreage in Ritchie County, W. Va.	12.0	15.325
CI69-278 (CI60-497) F 4-11-68	Viking Drilling Co. (successor to Marathon Oil Co.), 900 Northeast Loop Expressway, San Antonio, Tex. 78209.	Florida Gas Transmission Co., Citrus Grove Field, Matagorda County, Tex.	16.0	14.65
CI69-279 (G-18384) F 4-11-68	Viking Drilling Co. (successor to Mobil Oil Corp.).	do	16.0	14.65

[1] The properties from which sales are proposed to be abandoned will be acquired by Purchaser for use as underground storage.
[2] Well is no longer capable of producing commercial volumes of gas into Buyer's line.
[3] By letter dated Aug. 23, 1968, Applicant expressed willingness to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[4] Sell also receives payment for liquid products recovered, based on percent of value.
[5] Plus B.t.u. adjustment.
[6] Sale from March 1965 to September 1966 to The Manufacturers Light and Heat Co. and from September 1966 to November 1966 to Dunn-Mar Oil and Gas Co.
[7] Sale from November 1966 to February 1967 to Dunn-Mar Oil and Gas Co. and from February 1967 to A. A. Pursley.
[8] Subject to upward and downward B.t.u. adjustment.
[9] For acreage acquired from Southwest Oil Industries, Inc. No certificate filing was ever made by Southwest to cover subject acreage.
[10] Successor in interest to Anadarko Production Co. Southwest never made succession filing to cover subject acreage.

[F.R. Doc. 68-12308; Filed, Oct. 10, 1968; 8:45 a.m.]

[Docket No. RI67-113]

WILLIAM HARVEY DENMAN ET AL.

Notice Postponing Oral Argument

OCTOBER 4, 1968.

William Harvey Denman, Trustee, et al. v. J. M. Huber Corp., Docket No. RI67-113; Mobil Oil Corp. v. Carl F. Matzen et al., Docket No. RI67-114; Western Natural Gas Co. v. Elmer Hennigh et al., Docket No. RI67-310; Pan American Petroleum Corp. v. Leland C. Waechter et al., Docket No. RI67-400.

On September 26, 1968, counsel for Carl F. Matzen et al., Elmer Hennigh et al., and Leland C. Waechter et al., landowner defendants in the above-designated matter, filed a motion to continue the oral argument presently scheduled for October 21, 1968. No objections to the motion have been filed.

Notice is hereby given that the oral argument presently scheduled to commence at 10 a.m. (e.d.t.), on October 21, 1968, is postponed to 10 a.m. (e.s.t.), November 25, 1968, in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D.C.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-12369; Filed, Oct. 10, 1968; 8:45 a.m.]

[Docket No. RP69-6]

EL PASO NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

OCTOBER 4, 1968.

El Paso Natural Gas Co. (El Paso), on September 6, 1968, filed proposed changes in its presently effective FPC Gas Tariff, Original Volume No. 1.[1] The proposed changes would result in an estimated increase in jurisdictional revenues of $29,677,486 annually. The changes are proposed to become effective October 7, 1968.

El Paso states that the principal reasons for its proposed increase are a need for a 7.5 percent rate of return, increased Federal, State, and local taxes, and increased costs of labor, material, and supplies.

El Paso urges that if the proposed changes in its tariff are suspended that the suspension period be no longer than 1 day beyond the proposed effective date. In support of its motion El Paso alleges that since 1960 it has reduced its rates by some $45 million annually despite rising costs during this period. El Paso alleges that if the suspension exceeds 1 day it will suffer irreparable injury because of the increased costs. Good cause has not been shown for shortening the suspension period permitted by the Natural Gas Act.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we will prescribe a procedure under which such issues may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in El Paso's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Nautral Gas Act (18 CFR Ch. I), a public hearing shall be held commencing October 17, 1968, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications and services contained in El Paso's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, El Paso's proposed revised tariff sheets listed above are hereby sus-

[1] Proposed revised tariff sheets: Ninth Revised Sheet No. 27-B; Tenth Revised Sheet No. 27-I; Eleventh Revised Sheet Nos. 11-A and 34; Twelfth Revised Sheet Nos. 4, 17, 18, and 27-E; Fourteenth Revised Sheet Nos. 6 and 8; Fifteenth Revised Sheet Nos. 19 and 36; and Sixteenth Revised Sheet Nos. 10 and 11.

pended and the use thereof is deferred until March 7, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on October 17, 1968, El Paso's prepared testimony (Statement P) filed and served on September 20, 1968, together with its entire rate filing as submitted and served on September 6, 1968, shall be admitted to the record as El Paso's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496.

(D) Following admission of El Paso's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of Staff's and Intervenors' evidence and El Paso's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) Presiding Examiner Max L. Kane, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-12370; Filed, Oct. 10, 1968; 8:45 a.m.]

[Docket No. E-7445]

NORTHERN STATES POWER CO.

Notice of Application

OCTOBER 4, 1968.

Take notice that on September 30, 1968, Northern States Power Co. (Applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of up to $13 million in short term promissory notes.

Applicant is incorporated in Wisconsin with its principal business office at Eau Claire, Wis., and is engaged in the electric utility business in the State of Wisconsin.

The securities to be issued will consist of promissory notes issued to commercial banks to mature not more than 12 months after the date of their issue or renewal and in any event not later than December 31, 1970, and will not be for resale to the public.

The proceeds from the bank borrowings made by Applicant during the balance of 1968 and during 1969 (except for the renewal or refunding of outstanding promissory notes) will be used, among other things, to pay in part the expenditures to be made in 1968 and 1969 in connection with the Applicant's construction program.

Principal items in Applicant's 1969 construction program include $150,000 for electric production facilities, $6,079,000 for electric transmission facilities and $9,718,000 for electric distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 25, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-12371; Filed, Oct. 10, 1968; 8:45 a.m.]

[Docket No. CP69-86]

TENNESSEE GAS PIPELINE CO.

Notice of Application

OCTOBER 3, 1968.

Take notice that on September 27, 1968, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-86 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to Algonquin Gas Transmission Co. (Algonquin) at an existing interconnection of the pipeline facilities of Algonquin and Applicant near Mahwah, N.J., for the account of Consolidated Edison Company of New York, Inc. (Consolidated Edison), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that a transportation service has been agreed upon whereby Applicant will deliver to Algonquin up to 9,000 Mcf per day of its existing authorized CD and SS contract quantities of natural gas at an existing interconnection between the pipelines of Applicant and Algonquin near Mahwah, N.J. Algonquin will transport and deliver equivalent daily quantities to Consolidated Edison at Peekskill, N.Y. At this point, Consolidated Edison will accept delivery of the gas into its system for distribution and consumption by the ultimate consumer.

The application further states that, except for possible minor modifications of the existing metering facilities at the interconnection of Applicant's and Algonquin's pipeline near Mahwah, N.J., Applicant will not be required to construct any facilities to render this service nor will the rendering of this service jeopardize Applicant's ability to render service presently authorized by the Commission to its existing customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 31, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-12372; Filed, Oct. 10, 1968; 8:45 a.m.]

FEDERAL TRADE COMMISSION

NATIONAL CONSUMER PROTECTION AND EDUCATION

Notice of Hearing

Notice is hereby given that the Federal Trade Commission will hold a public hearing before the Commission on November 12, 13, 21, 22, 25, 26, 1968, and on Mondays and Tuesdays weekly thereafter so long as hearing sessions are necessary, which hearing will afford representatives of Federal, State, and local governments, consumer-interest organizations, legal assistance groups, trade associations, and the consuming public an opportunity to present their views and comments concerning national consumer protection and education. The hearing sessions will be in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C., and all sessions will be open to the general public. Should circumstances so dictate, sessions after November 12, 1968, may be held in the Auditorium of the Smithsonian Institution's Museum of Natural History. Hearing sessions will run from 9:30 a.m. to 12:30 p.m., e.s.t., daily.

As announced in a general press release of July 8, 1968, which received wide dissemination through the news media, comments, views, and suggestions and notifications of the desire to appear at the hearing were asked to be filed by interested parties with the Commission Secretary, preferably during the months of July and August 1968. This submis-

sion period was established because of the Commission's need to have an official schedule formulated as soon as possible and because of its desire to ascertain the depth of interest of groups and persons involved in the consumer protection and education areas prior to the hearing itself. In addition to general notification, special invitations were issued to persons and groups who specifically inquired concerning the hearing and to organizations having interests in consumer protection, whose interests were brought to the attention of the Commission's staff.

Information received in the study of the D.C. Consumer Protection Program indicates that consumers are frequently confused and deceived by the use of numerous techniques designed for the purpose of luring the consumer into a purchase. Similarly, the study report reveals that failure of some merchants to adequately reveal the full amount of purchase price and financing charges is another practice by means of which the consumer is victimized. Problems of retail merchants, especially those operating in the lower-income areas, were also revealed. As the Commission believes that such practices probably also are found in many areas throughout the Nation, it is holding the subject hearing for the basic purpose of obtaining the views of concerned parties to assist it in reaching a determination as to what action the Commission may take in the public interest under the statutes administered by it and as to what specific proposals the Commission might wish to make to the U.S. Congress, to State and local governments and to appropriate consumer-oriented groups for the purpose of effecting improved consumer protection and education on a nationwide scale.

Among the subjects which are open for discussion and comment at the hearing are:

1. *Corrective action.* What kind of corrective action is needed to provide maximum consumer protection. This line of discussion is to include establishment by the Federal Trade Commission and other agencies and organizations of special consumer complaint offices to elicit, receive, and analyze reports of unfair or deceptive practices by which the consumer is victimized and the development of liaison arrangements between the Commission and consumer-minded organizations such as the Office of Economic Opportunity, Neighborhood Legal Services offices, and others.

2. *Guidance of and liaison action with consumers and consumer groups.* Guidance of consumers and consumer groups and establishment of liaison programs involving consumers and national, local, and regionl consumer protection and education groups. Social and economic aspects in this area may be considered. The problems of low-income consumers are of particular interest.

3. *Dissemination and distribution of commission materials.* Improved dissemination and content of Commission materials pertaining to consumer protection and the value of such distribution. Also of interest is the increased distribution of materials by State, local, and private consumer groups.

4. *Guidance of retail merchants.* Guidance of and supplying of information to retail merchants, especially those who are selling to low-income groups. Information and comment in this area may involve attempts to help businessmen avoid unfair or deceptive acts and practices by the use of advice, definitive guidance, or distribution or information supplied by the Federal Trade Commission as well as by State and local consumer boards and agencies charged with the administration of State laws and local regulations and ordinances respectively.

Due to the overwhelming response to the invitation announced in the earlier press release, the Commission has limited the time for making oral statements to twenty (20) minutes per organization.

When the record of the hearing has been completed, the data, views or arguments presented orally and in writing will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C., and comments thereon may be filed.

Issued: October 10, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-12408; Filed, Oct. 10, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4389]

AMERICAN ELECTRIC POWER CO., INC. AND MICHIGAN GAS UTILITIES CO.

Notice of Filing of Posteffective Amendment Regarding Sale of Gas Utility Assets to Nonaffiliate and the Issue, Sale and Acquisition of Securities Related Thereto

OCTOBER 7, 1968.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), New York, N.Y., a registered holding company, its public-utility subsidiary company, Michigan Gas and Electric Co. ("MGE"), and Michigan Gas Utilities Co. ("MGU"), Monroe, Mich., a nonaffiliated gas utility company and an exempt holding company, have filed with this Commission a posteffective amendment to a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") regarding a proposal by AEP to cause MGE to effect the disposition of its gas properties to MGU. Sections 6, 7, 9, 10, and 12(c) of the Act and Rules 42, 43, 44, 45, and 46 have been designated as applicable to the proposed transactions. All interested persons are referred to the posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

On July 24, 1967 the Commission issued its findings and opinion and order (Holding Company Act Release No. 15800), authorizing AEP (a) to acquire 522,193 shares of $2 par value common stock of MGE from MGU at a price equal to the cost of the shares to MGU, including commissions, (b) to acquire at a price of $115 per seven such shares, all shares of MGE common stock tendered pursuant to an offer which AEP proposed to make to MGE shareholders other than MGU, (c) to pay an additional $15 per seven such shares to those persons from whom shares were purchased by MGU pursuant to a tender offer, (d) to purchase shares of MGE common stock in the open market or otherwise at a price of $115 per seven such shares, plus applicable commissions, contemporaneously with, or within a 6-month period following the purchase of shares under the proposed tender offer, and (e) to dispose of the gas utility properties of MGE to MGU, pursuant to the terms and provisions of an agreement, dated July 1, 1966, between AEP and MGU ("agreement").

The Commission in its findings and opinion and order of July 24, 1967, reserved jurisdiction, among other things, with respect to (i) further requisite approvals by the Commission in connection with the proposed transactions relating to the gas properties of MGE, (ii) all accounting entries to be made in connection with the proposed transactions, and (iii) tax recitals requested by AEP in connection with the Commission's approval of the proposed transfer of the gas properties of MGU.

Since July 24, 1967, AEP has acquired the 522,193 shares of common stock of MGE previously owned by MGU and has purchased, through the tender offer and purchases in the open market authorized by the Commission, additional shares of common stock of MGE so that at September 15, 1968, AEP owned an aggregate of 1,405,235 shares, or approximately 98.2 percent, of the outstanding shares of common stock of MGE.

AEP and MGE propose to sell the MGE gas properties to MGU, and for this purpose AEP proposes to organize MacLane Gas Co. ("MGC") under the laws of Michigan. MGC will purchase the MGE gas properties and, as indicated below, will issue and sell to AEP its securities, which AEP will sell to MGU. The gas assets to be transferred by MGE to MGC, as defined in the agreement consist, in brief, of the gas plant and property of MGE, certain common property of MGE to be agreed upon by AEP and MGU, the capital stock of Michigan Gas Exploration Company, a wholly owned subsidiary company of MGE, together with certain current or other miscellaneous assets of MGE related to its gas business.

The proposed transactions, which will be consummated concurrently on the date of closing, will be as follows:

(1) MGC will issue and sell to AEP, for cash, (a) $10 million principal amount of demand notes of MGC, bearing interest at an annual rate equal to one-half of 1 percent plus the prime commercial loan rate from time to time of Manufacturers Hanover Trust Co., and (b) 4 million

shares of common stock, par value $1 per share, of MGC, for a consideration equal to the gas assets purchase price, referred to hereinafter, less the principal amount of the demand notes. AEP will transfer to MGU, for cash, such MGC demand notes and common stock at the same price, plus the incidental costs of incorporating MGC.

(2) MGE will sell the MGE gas assets to MGC for cash at a price of $20,696,456. Such price represents an amount which AEP and MGU agree would have been payable by MGU for the gas properties had the purchase been consummated on December 31, 1967. It reflects the estimated price of $18,400,000 as of December 31, 1966 (as indicated in the Commission's prior findings and opinion, Holding Company Act Release No. 15800, p. 10) as adjusted primarily for property additions during the year 1967; and is subject to further adjustments with respect to a number of items, principally additions to gas plant of MGE to the closing date.

(3) Certain of the gas assets to be sold are subject to the lien of MGE's indenture, and to secure from the trustee under the indenture a release of such properties, MGE will deposit with the trustee the cash received from MGC and, in addition, a purchase money mortgage and related note, issued by MGC, maturing in 90 days, giving MGE a first lien on the gas assets released from the lien to secure the amount of a postclosing adjustment not to exceed $750,500.

(4) MGE will withdraw so much of the cash deposited with the trustee as may be allowed under the provisions of its indenture by certification to the trustee of unused net expenditures for bondable property. It is stated that as of December 31, 1967, after giving effect to deductions applicable to its 1968 obligations under the maintenance and sinking fund provisions of the indenture, MGE had available approximately $18,400,000 of unused net expenditures for bondable property.

(5) MGE also proposes to redeem its 4.40 percent and 4.90 percent series of cumulative preferred stock, both $100 par value, at the redemption prices of $102 and $100, respectively. As of December 31, 1967, MGE had outstanding 14,000 shares of its 4.40 percent series and 1,562 shares of its 4.90 percent series.

(6) MGE will pay to AEP the amount of open account advances made by AEP, which as of June 30, 1968 amounted to $3 million. MGE also will distribute to AEP such portion of the funds withdrawn which MGE does not require to pay off current liabilities. As of June 30, 1968, such funds amounted to $11,076,986.

The pro forma effect upon the corporate balance sheet of AEP, as of June 30, 1968, of the transactions (1) through (6) will be to reduce AEP's investment in the common stock of MGE from a total of $23,820,101, including purchase of the minority interest in such common stock, to $12,743,115 by the payment in cash of a potential liquidating dividend in the amount $11,076,986 and to return to AEP open account advances previously made to MGE in the amount of $3 million.

MGE's pro forma capitalization and surplus, as of June 30, 1968, giving effect to the proposed transactions, aggregated $12,564,237 and included first mortgage bonds of $5,050,000, or 40.2 percent thereof, and common stock and surplus of $7,514,237, or 59.8 percent thereof. Electric utility plant of MGE is stated on its books at original cost. Such plant, on a pro forma basis, as of the same date, was $13,795,066. Depreciation reserve amounted to $3,363,277 or 24.4 percent of total electric plant.

It is stated that the Michigan Public Service Commission has jurisdiction with respect to the issuance and sale by MGC of its common stock and demand notes and the purchase money mortgage and related note. It is further represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 24, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-12376; Filed, Oct. 10, 1968; 8:43 a.m.]

[File No. 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

OCTOBER 7, 1968.

The capital stock 1 cent par value of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 8, 1968, through October 10, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-12375; Filed, Oct. 10, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 8, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41463—*Newsprint paper to Chicago, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2923), for interested rail carriers. Rates on newsprint paper, as described in the application, in carloads, from Cap-de-la-Madeleine, Grand'Mere, Port Alfred, Shawinigan, and Trois Rivieres, Quebec, Canada, to Chicago, Ill.

Grounds for relief—Water competition.

Tariffs—Supplement 24 to Canadian Nation Railways tariff ICC E.543, and supplement 55 to Canadian Pacific Railway Co. tariff ICC E.2631.

FSA No. 41464—*Soda ash from Baton Rouge and North Baton Rouge, La.* Filed by O. W. South, Jr., agent (No. A6057), for interested rail carriers. Rates on sodium (soda) ash, in bulk, in covered hopper cars, in carloads, as described in the application, from Baton Rouge and North Baton Rouge, La., to Atlanta, East Point, and Fairburn, Ga.

Grounds for relief—rate relationship.

Tariff—Supplement 71 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-12401; Filed, Oct. 10, 1968; 8:47 a.m.]

[Notice 707]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 8, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23441 (Sub-No. 7 TA), filed October 3, 1968. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors, power mowers, hand mowers, attachments, attaching tools, and parts* therefor, from South Bend, Ind., to points in Colorado, Connecticut, Georgia, Illinois, Kentucky, Massachusetts, Maryland, Michigan, New Mexico, Missouri, New Jersey, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Wheelhorse Products, Inc., 515 West Ireland Road, South Bend, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 30844 (Sub-No. 262 TA), filed October 4, 1968. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Larry L. Strickler (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* other than frozen, from Aspers, Pa., to points in Kansas, Louisiana, Arkansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Duffy-Mott Co., Inc., 370 Lexington Avenue, New York, N.Y. 10017. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 41404 (Sub-No. 79 TA), filed October 2, 1968. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in section A and C of appendix I to the report in *Motor Carrier Certificates* 61 M.C.C. 209 and 766, except hides and commodities in bulk, from plantsite of Reelfoot Packing Co., at Union City, Tenn., and Storage Facilities of Reelfoot Packing Co., at Humboldt, Tenn., to Chicago, Ill., and its commercial zone, and to Detroit, Mich. and its commercial zone, for 180 days. Supporting shipper: Reelfoot Packing Co., Union City, Tenn. (Frank Hays, Reelfoot Plant Manager). Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 43269 (Sub-No. 56 TA), filed October 2, 1968. Applicant: WELLS CARGO, INC., 1775 East Fourth Street 89502, Post Office Box 1511, Reno, Nev. 89505. Applicant's representative: Berol, Loughran, and Geernaert, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Silver concentrates,* in semiliquid form, in bulk, in roll-over dump truck equipment, from Leeds, Utah, to Inspiration Mine, Inspiration, Ariz., for 150 days. Supporting shipper: Sierra Silver Mining Co., Room 1905, 100 West Clarendon Avenue, Phoenix, Ariz. 85013. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 86913 (Sub-No. 26 TA), filed October 2, 1968. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. 27589. Applicant's representative: W. S. Bugg (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fencing,* wooden, in sections: *fence pickets,* wooden; *poles,* wooden; and *posts,* wooden; whether or not creosoted or otherwise preservatively treated, from Scotland Neck, N.C., and points within 25 miles thereof, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Michigan, Massachusetts, Maryland, Maine, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, Tennessee, Georgia, South Carolina, and Kentucky, for 180 days. Supporting shipper: Carolina Wood Preserving Co., Inc., Scotland Neck, N.C. 27874. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 114949 (Sub-No. 2 TA), filed October 4, 1968. Applicant: APPOMATTOX TRUCKING COMPANY, INCORPORATED, Post Office Box 714, Appomattox, Va. 24522. Applicant's representative: Robert Bolling Lambeth, Bedford, Va. 24523. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from Drakes Branch, Va., to Bargersville, Ind., for 180 days. Supporting shipper: Stanley Land and Lumber Corp., Stanleytown, Va. 24168. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 126555 (Sub-No. 10 TA), filed October 2, 1968. Applicant: UNIVERSAL TRANSPORT, INC., Post Office Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Industrial sand products,* in bulk and in bags, from Pringle, S. Dak., to points in Montana, Wyoming, North Dakota, Nebraska, Kansas, Colorado, and Utah, for 150 days. Supporting shipper: South Dakota Sand Corp., Post Office Box 38, Pringle, S. Dak. 57773, attention: Robert L. Cullum. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 126899 (Sub-No. 33 TA), filed October 2, 1968. Applicant: USHER TRANSPORT, INC., 3925 Ols Benton Road, Post Office Box 3051, Paducah, Ky. 42001. Applicant's representative: W. A. Usher (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising materials and premiums* when shipped with malt beverages, from Newport, Ky., to points in Illinois, Indiana (except Delphi, Goodland, Monticello, Evansville, and Rensselaer); Ohio; Virginia and West Virginia, for 180 days. Supporting shipper: G. Heilleman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601, F. W. Liegois, General Traffic Manager. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 133107 (Sub-No. 2 TA), filed October 4, 1968. Applicant: TENOPIR TRUCKING, INC., 200 Granville, Beatrice, Nebr. 68310. Applicant's representative: C. E. Danley, Box 362, Beatrice, Nebr. 68310. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods and processed foods,* unfrozen, from Muscatine, Iowa, to Lincoln, Nebr., for the account of Schnieber Fine

Foods, Inc., for 150 days. Supporting shipper: Schnieber Fine Foods, Inc., 810 South 26th Street, Lincoln, Nebr. 68510. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133208 TA, filed October 3, 1968. Applicant: KAYLON T. HOWARD, Post Office Box 647, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe and steel well casing*, between points in Idaho, California, Oregon, Washington, Nevada, Montana, Wyoming, Colorado, Nebraska, Kansas, Oklahoma, Utah, Texas and port of entry on the international boundary line, between the United States and Canada at or near Raymond, Mont., for 180 days. Supporting shipper: Southwest Pipe of Idaho, Inc., Post Office Box 1301, Twin Falls, Idaho 83301. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12402; Filed, Oct. 10, 1968; 8:47 a.m.]

[Notice 225]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 8, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70035. By order of September 30, 1968, the Transfer Board, on reconsideration, approved the transfer to Vincent J. Herzog, Honesdale, Pa., of the operating rights in certificate No. MC-64828 issued June 8, 1966, as modified by order entered May 10, 1968, to Charles H. Waldron, doing business as Gartland Motor Lines, Poughkeepsie, N.Y., authorizing the transportation of general commodities, with exceptions between Poughkeepsie and Barrytown, N.Y., serving the intermediate points of Hyde Park, Staatsburg, and Rhinecliff, N.Y.; and between Poughkeepsie and Garrison, N.Y., serving the intermediate points of New Hamburg, Chelsea, Beacon, and Cold Springs, N.Y., and the off-route point of Peekskill, N.Y.; and packinghouse products, meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, from and to, and between points as specified in New York. John M. Zachara, Post Office Box Z, Paterson, N.J. 07509, representative for applicants.

No. MC-FC-70783. By order of September 30, 1968, the Transfer Board approved the transfer to Dale E. Weiner, doing business as Weiner Truck Line, Humboldt, Kans., of certificate in No. MC-9104, issued September 30, 1966, to Joseph P. Weiner and Dale E. Weiner, a partnership, doing business as Weiner Brothers Truck Line, Humboldt, Kans., authorizing the transportation of: General commodities, with exceptions, from Kansas City and North Kansas City, Mo., and Kansas City, Kans., to Blue Mound, Kans., and points within 15 miles thereof; and, a wide variety of specified commodities from, to, or between, specified points in Kansas, Missouri, Iowa, and Nebraska. Robert L. Briley, Post Office Box 249, Chanute, Kans. 66720, attorney for applicants.

No. MC-FC-70784. By order of September 30, 1968, the Transfer Board approved the transfer to Ira Johns, Phenix City, Ala., of permit in No. MC-109727 (Sub-No. 1), issued October 18, 1948, to Perry Riley, Phenix City, Ala., Mail address, Post Office Box 1178, Columbus, Ga. 31902; authorizing the transportation of: Tile and clay products, between Phenix City, Ala., and points in Alabama within 10 miles of Phenix City, on the one hand, and, on the other, points in Georgia. Richard Y. Bradley, Post Office Box 469, Columbus, Ga. 31902, attorney for transferee.

No. MC-FC-70788. By order of September 30, 1968, the Transfer Board approved the transfer to Milo Express, Inc., Oakmont, Pa., of certificate of registration No. MC-121009 (Sub-No. 1), issued February 3, 1965, to Zigmund A. Milos, doing business as Milos Motor Express, Oakmont, Pa., authorizing transportation in interstate or foreign commerce pursuant to certificate of public convenience granted in Docket No. 82526 Folder 2, dated February 9, 1959, as amended by Docket No. 82526, Folder No. 2, Am-A, dated January 30, 1961, issued by the Pennsylvania Public Utility Commission. William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-70792. By order of September 30, 1968, the Transfer Board approved the transfer to Quillian Junior Cauthen, doing business as Cauthen Gin and Bag Co., Monroe, N.C., of the certificate in No. MC-15242, issued May 2, 1968, to B & G Transport, Inc., St. Paul, N.C., authorizing the transportation of: Peanuts, tobacco, fertilizer, fertilizer materials, agricultural implements, cotton yarns, household goods, cotton, cotton seed, cotton seed products, built-up wood, plywood, veneer, insecticides, and kaolin clay, from and to or between points as specified in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia. Vaughn S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601, attorney for applicants.

No. MC-FC-70805. By order of September 30, 1968, the Transfer Board approved the transfer to The Z. L. Travis Co., a corporation, Steubenville, Ohio, of the certificate of registration in No. MC-121223 (Sub-No. 1) issued July 14, 1965, to Ft. Steuben Express Co., a corporation, Steubenville, Ohio, evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. 5100-I dated February 2, 1962, issued by the Public Utilities Commission of Ohio. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-70810. By order of September 30, 1968, the Transfer Board approved the transfer to Earl G. Oldham, 33 Fulkerson Circle, Liberty, Mo. 64068, of the operating rights in certificates Nos. MC-123299 (Sub-No. 1) and MC-123299 (Sub-No. 2) issued April 13, 1962, and April 13, 1964, respectively to J. H. Oldham Concrete Co., a corporation, Liberty, Mo. 64068, authorizing the transportation of rock salt (sodium chloride), in dump trucks and dump trailers, from points in Wyandotte County, Kans., to points in 67 named Missouri counties, and rock salt (sodium chloride) and calcium chloride, in dump vehicles, from points in Jackson County, Mo., to points in 55 named counties in Kansas.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12403; Filed, Oct. 10, 1968; 8:47 a.m.]

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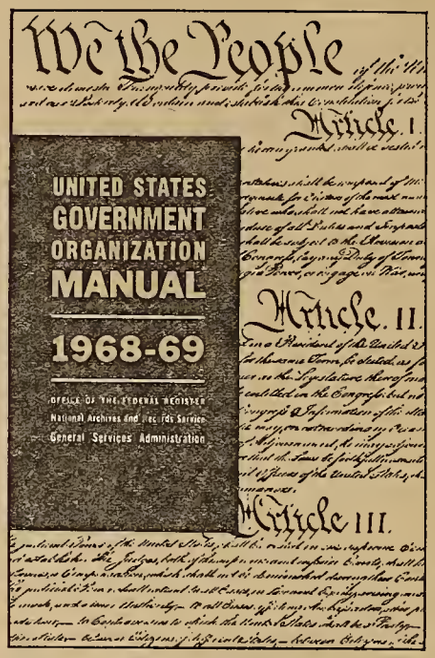

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